HISTORY

OF THE

POLK ADMINISTRATION.

BY

LUCIEN B. CHASE,

A MEMBER OF THE TWENTY-NINTH AND THIRTIETH CONGRESSES.

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PREFACE.

It was with a just appreciation of the difficult task before me, that I commenced the history of Mr. Polk's administration. I have endeavored to delineate, and I hope with impartiality, the transactions which signalized that eventful epoch. Having been in Congress during the presidential term of Mr. Polk, many occurrences recorded in these pages passed under my own observation, which greatly facilitated my researches. I have incorporated copious notes, containing arguments upon both sides of important questions, for the purpose of presenting the views of Mr. Polk's contemporaries. The work is respectfully submitted to the consideration of my countrymen, with the hope that they will deal gently with its faults, in return for the information which I trust it contains.

The events which transpired during the administration of James K. Polk will exercise a vast influence upon the destiny of this confederacy.

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Future generations will designate it as an age of progress and reform. History will preserve the evidences of the chivalry and military enthusiasm which, during the Mexican war, covered the American arms with immortal renown.

Too brief a period has elapsed since those scenes occurred, to justify the belief that they will be weighed at the present day with an impartial judgment. Political and personal animosities have not yet been allayed by the soothing hand of time. Mr. Polk, but a few months ago, retired from his elevated position only to be gathered to the tomb. Posterity, however, will regard with unprejudiced minds the brilliant career of that administration, which for startling incidents, bold and comprehensive policy, and grand and successful design, stands unrivalled upon the pages of American history.

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THE POLK ADMINISTRATION.

CHAPTER I.

Early History of James K. Polk.—His Election to Congress.—Chosen Governor of Tennessee.—Influences which produced his nomination for the Presidency in 1844.—Presidential contest of 1844.—Elevated to the Presidency.—Selection of his Cabinet.

JAMES KNOX POLK, the eleventh President of the United States, was born in Mecklenburgh county, North Carolina, on the 2d of November, 1795. He was the eldest of ten children. His ancestors emigrated from Ireland during the first part of the eighteenth century, and settled in the State of Maryland. A portion of the family removed, first to Pennsylvania, and about the year 1750 they located in North Carolina. In 1806, Major Samuel Polk, the father of James K. Polk, emigrated to Tennessee and settled upon Duck River. It was here that young Polk endured the hardships of a border life until his constitution, which was then quite delicate, came near giving way under the toil and fatigue to which he was exposed. Yielding to the persuasions of his son, Major Polk enabled him

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to enter the college at Chapel Hill, North Carolina, in 1815, where he graduated in three years, with the highest honors. He was distinguished at college for laborious application to his studies, and by a strict conformity to the regulations of the institution. He was always present at recitations, and invariably attended morning and evening prayers in the Chapel.

When he completed his collegiate education, he entered the office of the celebrated Felix Grundy to prepare himself for the practice of the law. He commenced the arduous duties of his profession in 1820, in the county of Maury, and at once assumed a high position at the bar.

In 1821 he was Clerk to the Legislature of Tennessee. His political career commenced in 1823, when he was elected a member of the Legislature of Tennessee. In 1825 he was elevated to a seat in Congress. He was re-elected every succeeding two years until 1839. In 1835 he was Speaker of the House of Representatives, to which position he was re-elected in 1837. In 1839, he was chosen Governor of Tennessee, and in 1844 President of the United States. The rapidity with which he was elevated, step by step, to the highest position on earth, is indeed remarkable, and proves conclusively that his success was not the result of circumstances alone.

No one who knew Mr. Polk ever considered him a brilliant genius. His mind possessed solidity rather than imagination. His perception was intuitive, and his memory retentive to an extraordinary

degree, while his judgment rarely led him into error. His manners were remarkably affable, and always made an impression upon those who knew him. Among his intimate friends, he indulged his wit and humor with perfect freedom, and they always found him a pleasant and instructive companion.

The career of Mr. Polk was as remarkable for its brilliancy as for the substantial fruits which it produced. The prominent trait of his character was extraordinary energy. In college, at the bar, in his political canvasses, and in the discharge of his executive duties, he was alike distinguished for his untiring industry and indomitable will. This frequently induced him to devote his attention too much to minute details, and had the effect of impairing his constitution. It was in his canvasses that he exhibited all the resources of his mind. Disaster only had the effect of arousing his powers, and stimulated him to win victory where others were subdued by defeat. Three times he canvassed the State of Tennessee as a candidate for Governor. In 1839 he was elected over Newton Cannon, and in 1841 and 1843 he was defeated by James C. Jones. No one who has not experienced the fatigues of such a struggle, can appreciate its labors. Undismayed by the task before him, Col. Polk always commenced the contest buoyant with hope. He invariably succeeded in inspiring his friends with his own enthusiasm; no obstacle could deter him from an energetic discharge of his duty. Subsisting upon the plainest food, and perfectly

temperate in his habits, he accustomed himself to a rigid system of diet, which alone could have sustained him in his political conflicts.

His powers of endurance were taxed to their utmost capacity during his presidential career. Elevated to that responsible position at the age of forty-nine, being younger by several years than either of his predecessors, he was determined to employ all the resources of his intellect in the discharge of his duties. His administration occurred in times big with great events, and his sound judgment, and inflexibility of purpose, enabled him to control them with unparalleled success.

The amiable and accomplished Mrs. Polk presided with great dignity and grace over the presidential mansion during the term of President Polk. All who approached her were warmly impressed with her unaffected affability of manner, and probably no lady ever occupied that position, who left it with so many friends.

The prominent aspirants for the presidency in 1844, were Mr. Van Buren and Mr. Clay. The democratic party were anxious to atone for the terrible defeat which they sustained in 1840, and the whigs were determined to do justice to the distinguished leader, who was the "embodiment" of their principles. These two gentlemen, either imagined that Mr. Tyler had pressed the question of the annexation of Texas to the United States, to advance his own prospects for the presidency, and were, therefore, determined to frustrate his designs by forcing their supporters to oppose that measure;

or they were honestly opposed to the consummation of that event. And while a large majority of both parties, at least in the slave-holding States, were anxiously endeavoring to promote a union of the two republics, and were taking prompt and decisive steps to produce that result, they were astounded by the publication of letters from Messrs. Clay and Van Buren, in opposition to that measure.* The attachment of the whig party to Mr. Clay proved more powerful than their desire for the admission

* "In the future progress of events, it is probable that there will be a voluntary or forcible separation of the British North American possessions from the parent country. I am strongly inclined to think it will be best for the happiness of all parties, that, in that event, they should be erected into a separate and independent republic. With the Canadian republic on one side, that of Texas on the other, and the United States, the friend of both, between them, each could advance its own happiness by such constitutions, laws, and measures, as were best adapted to its peculiar condition!"

* * * * * * * * *

"In conclusion, they [his objections to annexation] may be stated in a few words to be, that I consider the annexation of Texas, at this time, without the assent of Mexico, as a measure compromising the national character, involving us certainly in a war with Mexico, probably with other foreign powers, dangerous to the integrity of the Union, inexpedient in the present financial condition of the country, and not called for by any general expression of public opinion."—*Letter of* Mr. Clay, *May* 9, 1844.

"I by no means contend *that a formal recognition of Texas by Mexico is necessary to justify us* in assenting to her annexation to the United States. Time and circumstances may work such a change in the relations between these two countries *as to render an act of that character on the part of Mexico unnecessary and unimportant.* What I mean to say is, that, from all the information I have been able to obtain on the subject, no change has *yet taken place* that would make the objections I have here detailed inapplicable."—*Letter of* Mr. Van Buren, *April* 20, 1844.

of Texas into the Union; while the doctrines of Mr. Van Buren, meeting with no sympathy from a majority of the democratic party, resulted in his defeat in the Baltimore Convention, and produced the nomination of Mr. Polk. At the meeting of that convention, the claims of the latter gentleman were alone pressed for the office of Vice President, and it was only when there was danger that violence and anarchy would produce a dissolution of the body, that he was selected as the compromise candidate.* About the same time the Whig Con-

* The Baltimore Convention assembled on the 27th of May, 1844. Mr. Hendricks R. Wright of Pennsylvania was appointed President. The two-thirds rule was adopted by a vote of 148 to 116. This was regarded as a test vote, the Van Buren men going in a mass against it.

The first ballot resulted in the following vote: Van Buren, 146; Cass, 83; Johnson, 24; Buchanan, 4; Woodbury, 2; Stuart, 1; Calhoun, 6.

The second ballot: Van Buren, 127: Cass, 94; Johnson, 33; Buchanan, 9; Stuart, 1; Calhoun, 1.

Third ballot: Van Buren, 121; Cass, 92; Johnson, 33; Buchanan, 11; Woobury, 2; Calhoun, 2.

Fourth ballot: Van Buren, 111; Cass, 105; Johnson, 32; Buchanan, 17; Calhoun, 1.

Fifth ballot: Van Buren, 103; Cass, 107; Johnson, 29; Buchanan, 26.

Sixth ballot: Van Buren, 101; Cass, 116; Johnson, 23; Buchanan, 25; Calhoun, 1.

Seventh ballot: Van Buren, 99; Cass, 123; Johnson, 21; Buchanan, 22; Calhoun 1.

The excitement now became intense, and disorder and confusion prevailed.

An effort was now made to establish the majority rule, but failed; 118 voting for, and 148 against. On Wednesday the Convention again met.

Eighth ballot: Van Buren, 104; Cass, 114; Buchanan, 2; Polk, 44; Calhoun, 2.

Ninth ballot: Polk, whole number of votes, 266.

Mr. Wright was nominated for the Vice Presidency, but declined

vention, with great unanimity and enthusiasm, nominated Mr. Clay, and thus the two aspirants were placed before the American people. Accusations were made by each party against the other, of unfairness in conducting the canvass. It was asserted by the whigs, that the northern democracy touched lightly upon the question of annexation, and inscribed upon their flags the motto of "Polk, Dallas, and the Tariff of 1842;" the democrats as positively declared that the southern whigs did not hesitate to denounce the question of the annexation of Texas after the publication of Mr. Clay's letter, although they had most zealously advocated that measure while his opinions were unknown.

It is but justice to both parties to say, that the canvass was the most exciting since the organization of our Government, and was conducted with as much fairness as usually characterizes those struggles. It is an evil which is an inevitable result of all elections where parties are zealously supporting their favorite candidates, that all the opinions, even if frankly promulgated by the aspirants, are not as frankly reiterated by partisan orators and the press of the country. Still this conduct upon the part of the politicians does not prevent the people from honestly giving their support to that individual

accepting the nomination, and on Thursday the Convention proceeded to elect another candidate.

First ballot: Fairfield, 87; Woodbury, 56; Cass, 29; Johnson, 26; Stewart, 23; Dallas, 13; Marcy, 5.

Second ballot: Dallas, 220; Fairfield, 30; Woodbury 6.

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who will illustrate, in the administration of public affairs, the political opinions which they advocate. It cannot be denied that it was known to the American people, that Mr. Polk was in favor of the immediate annexation of Texas to the United States, and in triumphantly electing him, they consequently sanctioned that measure.*

The prominent questions discussed during the canvass of 1844 were the currency, the tariff, the annexation of Texas, the veto power, and the distribution of the proceeds of the sales of the public lands. The Democratic Convention which nominated Mr. Polk at Baltimore, in May, 1844, laid down a

* "You request from me an explicit expression of opinion upon this question of annexation. Having at no time entertained opinions upon public subjects which I was unwilling to avow, it gives me pleasure to comply with your request. I have no hesitation in declaring that I am in favor of the *immediate re-annexation* of Texas to the territory and government of the United States. I entertain no doubts as to the power or expediency of the re-annexation. * * * * *

"It is a part of the great valley of the Mississippi, directly connected by its navigable waters with the Mississippi River, and having once been a part of our Union, it should never have been dismembered from it. The government and people of Texas, it is understood, not only give their consent, but are anxiously desirous to be re-united to the United States. If the application of Texas for a re-union and admission into our confederacy shall be rejected by the United States, there is imminent danger that she will become a dependency, if not a colony of Great Britain—an event which no American patriot, anxious for the safety and prosperity of this country, could permit to occur without the most strenuous resistance. Let Texas be re-annexed, and t authority and laws of the United States be established and maintained within her limits, and also in the Oregon Territory, and let the fixed policy of our government be, not to permit Great Britain, or any other foreign power, to plant a colony or hold dominion over any portion of the people or territory of either."—*Letter of* JAMES K. POLK, *April* 23, 1844.

platform for the campaign.* The whig party at the time they nominated Mr. Clay at Baltimore, on

* *Resolved*, That the Federal Government is one of limited powers, derived solely from the Constitution, and the grants of power shown therein, ought to be strictly construed by all the departments and agents of the Government, and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

2. That the Constitution does not confer upon the Federal Government the power to commence and carry on a general system of internal improvement.

3. That the Constitution does not confer authority upon the Federal Government, directly or indirectly, to assume the debts of the several States contracted for local or internal improvements, or other state purposes, nor would such assumption be just and expedient.

4. That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country; that every citizen of the country has a right to demand and insist upon an equality of rights and privileges, and to compel an ample protection of persons and property from domestic violence and foreign aggression.

5. That it is the duty of every branch of the Government to enforce and practise the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government.

6. That Congress has no power to charter a national bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power, and above the laws and will of the people.

7. That Congress has no power, under the Constitution, to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of every thing appertaining to their own affairs, not prohibited by the Constitution; that all efforts of the abolitionists or others, made to induce Congress to interfere with the question of slavery, or take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences, and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend to our political institutions.

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the 1st of May, 1844, adopted certain resolutions.*

The struggle was fiercely contested, and almost every expedient was resorted to for the purpose of winning votes. The friends of both the candidates

8. That the separation of the moneys of the government from banking institutions is indispensable for the safety of the funds of the government, and the rights of the people.

Resolved, That the proceeds of the public lands ought to be sacredly applied to the national objects specified in the Constitution; and that we are opposed to the law lately adopted, and to any law for the distribution of such proceeds among the States, as alike inexpedient in policy and repugnant to the Constitution.

Resolutions were also adopted against taking from the President the right of exercising the veto power; and proclaiming our title to the whole of the territory of Oregon and against surrendering any portion of it to Great Britain, and also in favor of the annexation of Texas.

Mr. Benjamin F. Butler was chairman of the committee who reported the resolutions.

* The Whig Convention assembled at Baltimore, May 1st, 1844. Hon. Ambrose Spencer, of New-York, was appointed President. Henry Clay was nominated for the Presidency, and Theodore Frelinghuysen for the Vice Presidency.

The following resolutions were unanimously adopted at the Whig Convention of May, 1844.

"*Resolved*, That in presenting to the country the names of Henry Clay for President, and Theodore Frelinghuysen for Vice President, the convention is actuated by the conviction that all the great principles of the whig party—principles inseparable from the public honor and prosperity—will be maintained and advanced by the election of these candidates.

"*Resolved*, That these principles may be summed as comprising a well regulated national currency, a tariff for revenue to defray the necessary expenses of the government, and discriminating with special reference to the protection of the domestic labor of the country, the distribution of the proceeds from the sales of the public lands, a single term for the Presidency, a reform of executive usurpations, and generally such an administration of the affairs of the country as shall impart to every branch of the public service the greatest practicable efficiency, controlled by a well regulated and wise economy."

were confident of success, and were animated with the greatest ardor and enthusiasm. The result was the election of Messrs. Polk and Dallas to the Presidency and Vice Presidency of the United States, by a majority of sixty-five electoral votes.*

On the 4th of March, 1845, the President elect of the United States delivered his Inaugural Address in the presence of the assembled representatives of the American people, the Supreme Court of the United States, the diplomatic corps, and an

* No. of electors appointed in each State.	STATES.	For President. James K. Polk.	For President. Henry Clay.	For Vice President. George M. Dallas.	For Vice President. Theodore Frelinghuysen.
9	Maine,	9		9	
6	New Hampshire,	6		6	
12	Massachusetts,		12		12
4	Rhode Island,		4		4
6	Connecticut,		6		6
6	Vermont,		6		6
36	New York,	36		36	
7	New Jersey,		7		7
26	Pennsylvania,	26		26	
3	Delaware,		3		3
8	Maryland,		8		8
17	Virginia,	17		17	
11	North Carolina,		11		11
9	South Carolina,	9		9	
10	Georgia,	10		10	
12	Kentucky,		12		12
13	Tennessee,		13		13
23	Ohio,		23		23
6	Louisiana,	6		6	
6	Mississippi,	6		6	
12	Indiana,	12		12	
9	Illinois,	9		9	
9	Alabama,	9		9	
7	Missouri,	7		7	
3	Arkansas,	3		3	
5	Michigan,	5		5	
275		170	105	170	105

immense concourse of spectators, and took the oath of office, which was administered by the Chief Justice.*

Mr. Clay, the unsuccessful candidate of the whig party for the presidency, had for a long period been an aspirant for that office. As early as 1824, he was supported for that position by many warm admirers. Perhaps no man in the Union has won the attachment of so many ardent and enthusiastic personal friends as Mr. Clay. No disaster can dampen their zeal, and each successive defeat only has the effect of attaching them still more closely to his person and his fortunes. He is, indeed, a noble leader. His bold and impassioned eloquence, his affability and fascination of manner, and his unwavering devotion to his friends, altogether constitute him one of the most influential statesmen which this country has ever produced.

His patriotism has been too often put to the test to admit of doubt. Upon two occasions he has interposed his form between the exasperated citizens of the North and South. When the excitement raged with frightful violence before the admission of Missouri, and threatened to destroy the Union itself, with a promptness and sincerity which proved that a patriot's heart beat within his bosom, he poured oil upon the troubled waters and assisted to allay the storm. And now, when danger thickens, and a dark and threatening cloud hovers over the Temple of Liberty, his tall and venerable form is again seen protecting from sacri-

* For the Inaugural Address, see Appendix.

lege and violence our glorious Constitution, and in tones which are tremulous with age, he implores our distracted countrymen to pause in their career, and save the American Confederacy from the frightful horrors which must flow from its dissolution.

The difficult and delicate duty now devolved upon Mr. Polk of selecting his cabinet, and upon a wise choice of those persons much of the popularity and success of his administration depended. Not only was it necessary to call around him statesmen whose ability and experience would enable them to illustrate the broad and comprehensive platform which he had laid down in his inaugural address, but whose commanding talents and popularity with the American people would recommend its adoption by their representatives. Among the names which Mr. Polk presented to the Senate as his cabinet officers, were some of the most distinguished statesmen in the Union, and in their selection he exhibited a thorough knowledge of those men, whose great abilities and remarkable energy greatly assisted in erecting that splendid superstructure which has given an undying reputation to his administration.

The long service of Mr. Buchanan in the Senate, where he had encountered in debate the profoundest statesmen in the land, qualified him thoroughly for the department of State. Logical and sound in his reasoning, with a sagacity which could discover dangers in the future, and the ability to avoid them, however threatening and sudden their approach, he was always a formidable foe to

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meet. His diplomatic communications gave evidence of thorough preparation, and in every conflict between himself and the representatives of foreign powers, they retired confounded and discomfited before his unanswerable arguments. His judgment was sound and comprehensive, and his mind was enriched by a course of long and painful study. In the Senate he never wielded the glittering blade of Clay, nor the ponderous falchion of Webster. But whenever he addressed that body it was with a majesty of diction, an amplitude of information, and an iron and irresistible strength of reasoning which seldom failed to convince, where it did not control. He was as successful in the cabinet as he had been in the Senate, and his vast powers were ever equal to the responsibilities which devolved upon the department of State, while his opinions were always received with marked attention in cabinet council. The policy which he undeviatingly advocated in the settlement of our difficulties with England and Mexico, was bold and decisive. While the delicate position he occupied in relation to the interests of Pennsylvania, after the course which he pursued in the campaign of 1844, rendered him somewhat timid upon the great domestic question of free trade.

Robert J. Walker, who was assigned to the Treasury Department, had also for many years been a distinguished Member of the Senate, where his powers were illustrated and gave indications of what might be expected from his extraordinary energy, in the responsible position to which he was

called in the Cabinet of Mr. Polk. He possessed solidity, without being brilliant, and always exhausting the subject which he was investigating, he rarely failed to produce an impression upon the Senate. It was only when he was aroused by the magnitude of the subject under discussion, that he employed all that was gorgeous, yet pointed, in the arts of oratory. At such moments his sarcasm and irony told with great effect upon his adversary. Ordinarily, however, his power consisted in argumentation, and in that field he had but few equals. It was chiefly upon his labors as Secretary of the Treasury, that he will rest his claims to an enduring fame. It was in that department that he employed all the energies of his nature, and the resources of his vast and varied acquirements, in the advocacy of free trade. We have only to look over the voluminous pages which he submitted to Congress, crowded with facts and arguments, to become satisfied that his mind was *absorbed* with the one idea which his pen so faithfully illustrated. The subject was greatly embarrassed by the war with Mexico, and the success with which he carried the financial credit of the country through that contest, proved him incontestably the ablest financier whom our country has produced since the days of Robert Morris. The opposition of Webster and Evans, and the denunciations of the whig party, could not arrest the success of that policy, which triumphed over the assaults of its enemies, and more than realized the warmest anticipations of its friends.

The appointment of Mr. Marcy as Secretary of War was another fortunate movement for Mr. Polk. As Governor of the State of New York, and one of her judges, he had obtained a high reputation. With a grasp of comprehension which enabled him at once to master a subject, and a force and appositeness of reasoning which demonstrated his views, a soundness of judgment, and an intimate knowledge of men, he was well fitted by nature and education to become the confidential adviser of the President, and the head of the War Department. The Mexican war served to develope the great features of his character. The adoption of the celebrated plan of the campaign, and its successful prosecution, in all its parts, required the resources of an intellect of no ordinary description. The patience with which he received and replied to the complaints which the officers of the army made to him, were generally characterized by frankness and urbanity, and it was only in his response to the charges made by General Scott against the administration and the War Department, that he indulged in a bitterness of sarcasm which added point and force to the crushing and irresistible reply.

George Bancroft, the historian, was appointed Secretary of the Navy. He occupied that position but a brief period, however, when he was appointed the successor of Mr. Everett at the Court of St. James. His selection by Mr. Polk as one of the members of his Cabinet, was not only a proper tribute to his vast and varied acquirements as a

scholar, but to his ability as a man. Deeply versed in the lore of ancient and modern times, his writings display evidences of profound thought and thorough study; and without possessing transcendent abilities, or a brilliant genius, his works bear evidence of careful preparation and logical and argumentative power. As a speaker, his manner is not prepossessing. Nature has not favored him with a rich and melodious voice, or a dignified and attractive presence. But the gorgeous imagery and the sparkling gems which ornament his language, gild the philosophical thought and classical erudition, and display the intellectual wealth which years of research have enabled him to acquire.

Not only has he obtained great celebrity as an essayist and historian, but the policy which he advocated while at the head of the Navy Department gave him the character of an accomplished statesman. While his views were sufficiently enlarged and liberal, they received the approbation of one of the most ultra economists and reformers in the House of Representatives.*

Twice have individuals who had illustrated the pages of English literature, been called to preside over the Navy Department,† and the same honor should have been conferred upon another,‡ whose experience in early life and subsequent investigations, eminently qualified him for the discharge of its duties. His pen has not only adorned the annals

* James J. McKay, of North Carolina.
† James K. Paulding and George Bancroft.
‡ J. Fenimore Cooper.

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of our country with his splendid naval history, but has contributed to American literature its brightest gems, and which will only perish with the English language.

The Post Office Department was filled by Cave Johnson, of Tennessee, who had been for many years one of the most influential Members of the House of Representatives. He had obtained great celebrity for his inflexible honesty, laborious industry, and for the vigilance with which he guarded the public treasury. Gifted with an integrity which was above suspicion, he w· a terror to all who are endeavoring to obtain the sanction of Congress to fraudulent claims; and whenever his tall and venerable form was seen to rise for the purpose of addressing the House in opposition to private claims which were not founded in justice, the agents who had been preparing them knew that their fate was sealed. Perhaps no member exercised so great an influence over the House of Representatives during his Congressional career as Mr. Johnson. His long service in that body, his standing and ability, and the argumentative and persuasive eloquence which characterized his speeches, always produced a remarkable effect upon that body. Mild and courteous in his manner, he won the respect of his political opponents, while his unshaken attachment to his friends bound them to him by the warmest ties. The constancy of his affection for men was only surpassed by his devotion to principle; and nothing less than a thorough conviction of utter worthlessness, would induce him to abandon a man whom he

had once called his friend. As an orator, he was generally calm and argumentative, his prominent characteristic being convincing and irresistible power. He never studied the arts of declamation, and did not seek to gild his speeches with the coruscations of genius. A splendid exordium and brilliant peroration cannot be found in one of his efforts. He appealed to the reason and not to the imagination, and always with effect. Yet upon several occasions, when unwarrantable attacks were made upon him, or when his indignation was aroused by conduct which he reprobated,* his retorts were terrible, and his anathemas annihilating. Upon such occasions his majestic form towered, and his stern glance was fixed upon the offender, who writhed beneath the biting and withering sarcasms which were poured from the lips of the speaker. With a facility of illustration, and a fiery and impassioned eloquence, he returns again and again to the assault, until his blasting irony has pierced the shield in which the delinquent supposed himself encased, and he lies prostrate and bleeding before the indignant orator.

Under his administration of the Post Office Department commenced the reduction of the postage, which he opposed while a Member of Congress, but to which he subsequently gave the influence of his name and popularity. He infused his own energy into the public service, and not only were contracts made for conveying the mail through the several

* See his reply to Messrs. Hoge, Hammett, and Holmes, 28th Congress.

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States and Territories, but for transmitting it to Europe. No combination could force him to yield to demands which he thought unjust. Repeatedly and violently assailed by the press for discharging his duty, his firmness continued unshaken, and he witnessed unmoved, alike the flattery and the abuse of those who attempted to control him. Immovably fixed in the honesty of his purposes, he faithfully discharged his duties; and when he retired from the position which he had so ably occupied, the country lost the services of an honest man. The office which he filled brought him more immediately in contact with the people than any other under the Government; and those persons whose letters were delayed, no matter what the cause, were always ready to attribute it to the fault of Cave Johnson. It is always convenient to have some one to blame; and those gentlemen who were so querulous while he was at the head of the Department, continued to pour the vials of their wrath upon the head of his successor.

John Y. Mason of Virginia, a member of Mr. Tyler's Cabinet, received at first from Mr. Polk the office of Attorney General, but subsequently was transferred to the position of Secretary of the Navy. This gentleman is the very soul of conviviality. Bland and urbane in his manners, he was always very popular with both political parties, while he gave almost universal satisfaction to the officers of the Navy. His judgment was sound and discriminating, and without obtaining as much character for energy and industry as the other members

of the Cabinet, still his grasp of intellect and sound practical common sense, enabled him to seize upon the strong points of a question with remarkable facility. He possessed a thorough knowledge of the masses, and was, therefore, a safe Cabinet counsellor.

Messrs. Clifford of Maine, and Toucey of Connecticut, also occupied the position of Attorney General in Mr. Polk's Cabinet, and proved safe and wise counsellors, and profound and able lawyers. The former gentleman was appointed a Commissioner to Mexico, and the latter continued in office until the close of the administration.

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CHAPTER II.

First Annual Message of Mr. Polk.—Annexation of Texas.—Adjustment of the Oregon Question.

On the first day of December, 1845, the members of the 29th Congress assembled at Washington. The Hon. John W. Davis of Indiana was elected Speaker of the House, and the accomplished Vice President of the United States presided over the deliberations of the Senate. On the following day, Mr. Polk delivered his first annual message to Congress. At that time, although many difficulties were unadjusted between the United States and several foreign powers, still our country was at peace with all the world.* The policy which governed the administration was that upon which alone the honor of the country can be maintained.† To do exact justice to all nations, wins their good

* "In calling the attention of Congress to our relations with foreign powers, I am gratified to be able to state that, though with some of them there have existed since your last Session serious causes of irritation and misunderstanding, yet no actual hostilities have taken place."—*Message of* Mr. Polk *to Congress, December 2d*, 1845.

† "Adopting the maxim in the conduct of foreign affairs, to 'ask nothing that is not right, and submit to nothing that is wrong,' it has been my anxious desire to preserve peace with all nations, but at the same time, to be prepared to resist aggression, and to maintain all our just rights."—*Ibid.* For this message see Appendix.

opinion, while a determination to enforce it in return, commands their respect.

The message called the attention of Congress to the question of the annexation of Texas, and informed that body that he had approved the selection made by his predecessor of the 1st and 2d sections of the resolution for annexing Texas to the United States. It only remained for Congress to admit that State into the Union under the constitution which had been established by the people, and a bill for that purpose was enrolled on the 27th of December, 1845. A liberal course towards that State was recommended by the President, that her citizens might never regret a re-union with the land of their nativity.

The settlement of the boundary between the United States and Great Britain, occupied the attention of the administration at an early day. The bold and decisive language used by Mr. Polk in his inaugural address,* produced quite a sensation in England, and the British ministry were satisfied that the period for procrastination and delay had passed, and that the question must be promptly met.

The attention of Congress was called to the subject by Mr. Polk in his first annual message, and

* "Nor will it become in a less degree my duty to assert and maintain by all constitutional means, the right of the United States to that portion of our territory which lies beyond the Rocky Mountains. Our title to the country of Oregon is 'clear and unquestionable,' and already are our people preparing to perfect that title by occupying it with their wives and children."—Mr. POLK'S *Inaugural Address.*

the speedy adjustment of the boundary was strongly recommended.*

In connection with the Oregon question, Mr. Polk committed a fatal error, amounting to what Talleyrand would call a "blunder," and which, having the effect of alienating some of his warmest friends, greatly embarrassed his administration throughout. In his first communication to the American people, he proclaimed to the world, that our title to the country of the Oregon was "clear and unquestionable." In that assertion he was but reiterating the opinions of his constituents, solemnly expressed at the ballot-box. The statement was still more solemnly uttered in his message to Congress.† In the same communication he announced a principle which should control the Government of the United States.‡ If it is the un-

* "All attempts at compromise having failed, it becomes the duty of Congress to consider what measures it may be proper to adopt for the security and protection of our citizens now inhabiting, or who may hereafter inhabit Oregon, and for the maintenance of our just title to that territory. This notice it would, in my judgment, be proper to give, and I recommend that provision be made by law for giving it accordingly, and terminating, in this manner, the convention of the 6th of August, 1827."—*Message of* Mr. POLK *to Congress, December*, 1845.

† "With this conviction the proposition of compromise which had been made and rejected, was by my direction, subsequently withdrawn, and our title to the whole Oregon territory asserted, and as is believed, maintained by irrefragable facts and arguments."—*Ibid.*

‡ "Near a quarter of a century ago, the principle was distinctly announced to the world in the annual message of one of my predecessors, that 'the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European power.' This principle will apply with greatly increased force, should any European power attempt to establish any new colony in North America. In

changeable policy of this country to prevent Europeans from colonizing any portion of this continent, it applies to territory to which we have *no* claim, as well as to that which *belongs* to us; and if we cannot suffer them to colonize parts of the American continent to which we have no claim, how can we surrender territory to which our title is "clear and unquestionable?"*

It is true, Mr. Polk stated that he proposed to the British Government to settle the boundary upon the 49th° of north latitude, in deference to what his predecessors had done; yet by that offer he agreed to surrender nearly 200,000,000 acres of land which rightfully belonged to the United States.† It is difficult to reconcile this course of

the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The re-assertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist."—*Message of* Mr. POLK *to Congress, December*, 1845.

* "The proposition thus offered and rejected, repeated the offer of the parallel of 49° of north latitude, which had been made by two preceding administrations, but without proposing to surrender to Great Britain, as they had done, the free navigation of the Columbia River."—*Ibid.*

† "Upon the whole: From the most careful and ample examination which the undersigned has been able to bestow upon the subject, he is satisfied that the Spanish American title, now held by the United States, embracing the whole territory between the parallels of 42° and 54° 40′, is the best title in existence to this entire region; and that the claim of Great Britain to any portion of it has no sufficient foundation. Even British Geographers have not doubted our title to the territory in dispute. There is a large and splendid globe now in the Department of State, recently received from London, and published by Malby and Company,

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action with the principle which was proclaimed by Mr. Monroe, and which Mr. Polk himself had so forcibly reiterated, especially when his offer extended privileges to Great Britain never offered by his predecessors, consisting in the use of free ports on the southern extremity of Vancouver's Island. But when the proposition which he made to Great Britain was almost insultingly rejected,* there was no reason why that boundary should be accepted by our Government, if tendered by England. I know it has been asserted by high authority, that Mr. Polk could not refuse a proposition which he had himself offered to that power. If the offer made by the Executive had been accepted, then it would have been binding, but it was rejected, and then withdrawn; the two Governments, therefore,

'manufacturers and publishers to the Society for the Diffusion of Useful Knowledge,' which assigns this territory to the United States.

"Notwithstanding such was and still is the opinion of the President, yet in the spirit of compromise and concession, and in deference to the action of his predecessors, the undersigned, in obedience to his instructions, proposed to the British Plenipotentiary to settle the controversy by dividing the territory in dispute by the 49th parallel of latitude, offering at the same time, to make free to Great Britain any port or ports on Vancouver's Island south of this latitude which the British Government might desire. The British Plenipotentiary has correctly suggested that the free navigation of the Columbia River was not embraced in this proposal to Great Britain; but, on the other hand, the use of free ports on the southern extremity of this island had not been included in former offers." —*Letter of the Secretary of State to the British Minister, August 30th*, 1845.

* "The English Ambassador expressed the wish that the Government of the United States would make 'some further proposal for the settlement of the Oregon question, more consistent with fairness and equity, and with the reasonable expectations of the British Government.'"—Mr. Polk's *Message to Congress, December*, 1845.

occupied the same position which they did before it was made. The argument is, that we could not refuse an offer we were blind enough to make ourselves. All agree that the President could not have made a *more* liberal proposition; and still, in 1818 and in 1826, our Government tendered to Great Britain the 49th° of north latitude, together with the free navigation of the Columbia River south of that line. Now if we were bound to accept as liberal an offer as we had made, we should be forced to accede to the proposition which we proposed in 1818 and in 1826. If that would not have been admissible, then the argument fails to exculpate the administration.

The announcement by Mr. Polk that our title was good to the whole of the Oregon Territory, was supported by the facts which were fully illustrated in that celebrated debate in Congress, which Mr. Adams pronounced the ablest he had ever listened to. The territory west of the Rocky Mountains, and between latitude 42° and 61°, unquestionably belonged to Spain prior to the Nootka Convention between that country and England, in 1790; and it is important to ascertain whether Spain conveyed the sovereignty which she possessed in Oregon to Great Britain by the terms of that convention. To determine that fact it is only necessary to examine the third, fourth, and fifth articles.* By the third article it was simply agreed

* "ART. 3. In order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the two contracting parties, it is agreed that their respective subjects shall

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that the subjects of the two high contracting parties should have the right of trading with the Indians and navigating the waters in that portion of the world, and to make settlements, subject to the restrictions specified in the subsequent articles. Article 4th specified that the subjects of Great Britain should not navigate or carry on their fishery within ten sea leagues from any part of the coasts occupied by Spain. It is difficult to imagine what rights England could have had where such particular language was used to guard the privileges of Spanish subjects. Article 5th stated that all islands, and parts of the northwestern coasts of North America, *situate to the north of the parts of the said coasts already occupied by Spain*, should be

not be disturbed or molested either in navigating or carrying on their fisheries in the Pacific ocean or in the South seas, or in landing on the coasts of those seas in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there—the whole subject, nevertheless, to the restrictions specified in the two following articles."

"ART. 4. His Britannic Majesty engages to take the most effectual measures to prevent the navigation and the fishing of his subjects in the Pacific ocean or in the South seas from being made a pretext for illicit trade with the Spanish settlements; and with this view, it is moreover expressly stipulated, that British subjects shall not navigate, or carry on their fishery in the said seas, within the space of ten sea leagues from any part of the coasts already occupied by Spain.

"ART. 5. As well in the places which are to be restored to the British subjects, by virtue of the first article, as in all other parts of the northwestern coasts of North America, or of the islands adjacent, situate to the north of the parts of the said coast already occupied by Spain, wherever the subjects of either of the two powers shall have made settlements since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access, and shall carry on their trade without any disturbance or molestation."

open to the subjects of both nations to carry on their trade without disturbance or molestation. It becomes important to ascertain what was the most northern point "occupied" by Spain in 1790. Lieutenant Meares, a subject of Great Britain, establishes conclusively that eighteen months before the convention of 1790 was signed, the Spaniards occupied Nootka,* and that place is north of latitude 49½°. All that England can make, then, out of that convention, is a joint right of trade with Spain in the country north of latitude 49½°. At the time this treaty was made between England and Spain, the former power was only anxious to enable her subjects to trade with the Indians, and engage in the fisheries; there is not the slightest evidence to be gathered from the terms of the convention, that she was desirous of securing for her subjects the *permanent* possession of the country. This is apparent from the fact that the principal object of the convention appears to have been to place restrictions upon the right of trade and fishing, so that the subjects of the two nations might not interfere with each other, and the limits of these rights were defined by the settlement of the two powers. This convention contained no provisions impairing the sovereignty of Spain.

All the rights which Spain possessed upon the

* Meares' expressions are that Martinez "took possession of the lands belonging to your memorialist, hoisting thereon the standard of Spain, and performing such ceremonies as your memorialist is informed are usual on such occasions. He then proceeded to build batteries, storehouses, &c."—*Memorial of* LIEUT. MEARES *to the British Government.*

northwest coast were ceeded by that power to the United States by the treaty of 1819.*

The title which we acquired to that country from Spain does not preclude us from joining to it the claim which was made by the United States upon the ground of discoveries, explorations, and settlements. In May, 1792, Captain Grey, in the ship Columbia from Boston, entered the mouth of the Columbia River, sailed up the stream for several miles, and gave it the name which it has since borne. It is true that the British commissioners in 1826, in the statement annexed to the protocol of the sixth conference, asserted that Lieutenant Meares, in 1788, entered the bay of the Columbia. That he had never entered the mouth of the Columbia River is evident from the statement which he made in his journal.† Tradition had located the mouth of that stream in the latitude where it was afterwards found by Captain Grey, and Lieutenant Meares having failed to discover it, expressed his dissatisfaction by giving to the promontory

* "The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line: that is to say, the United States hereby cede to his Catholic Majesty, and renounce for ever all their rights, claims, and pretensions to the territories lying west and south of the above described line, (42°,) and in like manner his Catholic Majesty cedes to the United States all his rights and claims and pretensions to any territory east and north of the said line, and for himself, his heirs, and successors, renounces all claim to the said territories for ever."—*Treaty of* 1819, *between the United States and Spain.*

† "He can now safely assert that there is no such river as that of St. Roc existing, as laid down in the Spanish charts."—*Journal of* Lieut. MEARES.

the name of Cape Disappointment, and the bay obtained the appellation of Deception Bay. But admitting that he did discover the mouth of the Columbia River, the Portuguese and not the English were entitled to its benefits.*

The next question is, whether we followed up our discovery soon enough by exploration and settlement, to perfect our title; and in coming to a conclusion upon this subject, we must take into consideration the great distance to that country, and the obstacles which nature has thrown in our way. The valley of the Mississippi was not then, as now, thronged with a hardy and adventurous population. Those vast prairies which spread out far to the westward, had never been traversed by the white man. The solitude of those gloomy forests had never been disturbed by any thing but the Indian warwhoop, and

* "For the expedition in question, two vessels were fitted out at the Portuguese port of Macao, near Canton, in China, from which, as already mentioned, several voyages had been previously made to the northwest coasts of America, in search of firs. They were both placed under the direction of John Meares, a lieutenant in the British navy, on half pay, who sailed in the ship Felice, as supercargo; the other vessel, the brig Iphigenia, also carried a British subject, William Douglass, in the same capacity; both vessels, were, however, commanded, ostensibly at least, by Portuguese captains; they were both furnished with passports and other papers in the Portuguese language, granted by the Portuguese authorities of Macao, and showing them to be the property of Juan Cavallo, a Portuguese merchant of that place. The instructions for the conduct of the voyage were written only in the Portuguese language, and contained nothing whatsoever calculated to afford the slightest grounds for suspicion that other than Portuguese subjects were interested in the enterprise. Finally, the vessels sailed from Macao on the 1st of January, 1788, under the Portuguese flag, and there is no sufficient proof that any other was displayed by them during the expedition."—*Greenhow's History of Oregon*, p. 172.

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over the trackless regions of the Rocky Mountains the grisly bear roamed unmolested. With all these difficulties, common sense would lead us readily to the conclusion, that in the exploration and settlement of Oregon, it was done in a *reasonable time*, after the discovery of the mouth of the St. Roc by Captain Grey. In May, 1804, Lewis and Clark, commissioned by the Government of the United States, began the ascent of the Missouri, and on the 15th of November, 1805, they arrived at the mouth of the Columbia. This was evidence to the nations of the earth, that our Government had asserted her title to the territory. In March, 1811, Astoria was settled by a colony sent from New-York.

From the admissions and acts of England, our title to the whole of Oregon can be adduced. First. When the negotiations of 1818 were in progress between this country and England, no claim was urged by the latter power to the territory of Oregon under the Nookta Convention. As eager as the English are to seize every pretext for the extension of their boundaries, it is not to be supposed that they would suffer any opportunity to pass, without apprising the nations of the earth of the rights which they possess.

Second. Astoria was surrendered to the United States under the first article of the Treaty of Ghent, and was accepted by the American Commissioner.*

* "In obedience to the commands of his Royal Highness the Prince Regent, signified in a dispatch from the Right Honorable the Earl Bathurst, addressed to the partners or agents of the Northwest Company, bearing date the 27th of January, 1818, and in obedience to a subsequent

Third. In 1819 we acquired all the rights of Spain to the northwest coast, north of the 42d degree of north latitude, without any protest upon the part of Great Britain, who well knew that Spain claimed the sovereignty of the soil as far north as latitude 61°.

Fourth. By the convention between the United States and Russia in 1824, the boundary between the two powers was fixed in latitude 54° 40′*. We thus ceded to Russia 6° and 20′, or an extent of country along the coast of 360 miles. If England

order, dated the 26th of July, from W. A. Sheriff, Esq., captain of his Majesty's ship Andromache, we the *undersigned*, do, in conformity to the first article of the Treaty of Ghent, restore to the Government of the United States, through its agent, J. P. Prevost, Esq., the settlement of Fort George, on the Columbia river.

"Given under our hands, in triplicate, at Fort George, (Columbia river,) this 6th day of October, 1818.

"F. HICKEY,
"Captain of his Majesty's ship Blossom.
"J. KEITH,
"Of the Northwest Company."

"I do hereby acknowledge to have this day received, in behalf of the Government of the United States, *the possession of the settlement designated above*, in conformity to the first article of the Treaty of Ghent. Given under my hand, in triplicate, at Fort George, (Columbia river,) this 6th day of October, 1818.

"J. B. PREVOST,
"Agent of the United States."

* "It is moreover agreed, that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the United States, any establishment upon the northwest coast of America, nor in any of the islands adjacent *to the north* of fifty-four degrees and forty minutes of north latitude; and in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, *south* of the same parallel."—*Convention between the United States and Russia*, 1824.

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had possessed title to this soil, would she have calmly ... quietly suffered it to be traded off by one power to another?

Fifth. So far from objecting to the establishment of the boundary between the United States and Russia, upon the parallel of 54° 40′, and a consequent conveyance to Russia of 6° of territory which we obtained from Spain, England, in 1825, established her boundary with Russia, making the parallel of 54° 40′ the basis. By that convention England obtained from Russia an extent of country three hundred and sixty miles in length, which the Russians derived from the United States—the latter power holding under Spain. And yet the English Government dispute the validity of our Spanish title.*

Sixth. By the convention of 1818, England had a joint right of trade with the United States, in the territories possessed by both powers west of the

* ARTICLE 3. "The line of demarkation between the possessions of the high contracting parties upon the coast of the continent, and the islands of America to the northwest, shall be drawn in the manner following: Commencing from the northernmost point of the Island called Prince of Wales's Island, which point lies *in the parallel of* 54° 40′ *north* latitude, and between the 131st and 133d degree of west longitude (meridian of Greenwich). The said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude. From this last mentioned point the line of demarkation shall follow the summit of the mountains situate parallel to the coast, as far as the point of intersection of the 141st degree of west longitude (of the same meridian). And, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between Russian and British possessions on the continent of America to the northwest."—*Treaty between England and Russia*, 1825.

Stony Mountains.* The convention of 1827, indefinitely extended and continued in force the convention of 1818, giving, however, to either of the contracting parties the right to abrogate it upon giving to the other party twelve months' notice.

England, under the convention of 1818, had a right to trade between the 42d and the 61st degrees of north latitude, as our title embraced the territory between these parallels. But between the conventions of 1818 and 1827, the convention of 1824 was adopted between Russia and the United States, by which we transferred the soil north of 54° 40′ to Russia, and consequently when the convention of 1827 was adopted, England had not the right of trade even, north of 54° 40′. It is not to be supposed that England, if she had rights in Oregon at that time, would have suffered them to be so grossly violated.

But there is another treaty which precludes Great Britain from setting up a claim to territory west of the Mississippi river. By the seventh article of the treaty between Great Britain and France

* "It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of said country, nor shall it be taken to affect the claims of any other power or State to any part of the said country, the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves."

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in 1763, the boundary between the two countries in the new world was fixed *irrevocably* in the middle of the Mississippi river, from its source to the river Iberville, and from thence by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain, to the sea.* In 1803, France conveyed to the United States whatever rights she acquired to the territory lying west of the Mississippi river from England, by the treaty of 1783.

A determination to enforce the claim which we had to the territory of Oregon, had been solemnly announced in various forms by the Government of the United States. The recommendation contained in the President's message to Congress, to give notice to Great Britain that the joint occupancy of the territory of Oregon should cease, was discussed at great length in Congress. A debate remarkable for its ability, and the display of varied and extensive acquirements, followed the introduction of resolutions giving the twelve months' notice, in pursuance of the convention of 1827. Masterly inactivity was proclaimed by the distinguished Senator from South Carolina, as the true policy of the United States. Pecuniary interests and sectional feeling characterized the progress of that discussion. Fears were manifested that the country would be involved in a war with Great Britain, resulting in

* "The confines between the dominions of his Britannic Majesty in that part of the world (the continent of America) shall be *fixed irrevocably*, by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain, to the sea."—*Treaty of* 1763, *between France and Great Britain.*

the destruction of our commerce, and financial embarrassment and ruin. Southern representatives gave indications of a willingness to surrender a portion of the territory, to destroy the growing ascendency of the north. The characteristics of the members from the two great sections of the Confederacy seemed to have changed, and impassioned eloquence, and fiery denunciation breathed through every sentence which was uttered by the representatives from the Northern States; while a temporizing, if not a timid policy, controlled many of the representatives from the South. After a long and protracted discussion, the resolutions passed the House of Representatives on the 9th of February, 1846,* 163 members voting in the affirmative, and 54 in the negative. Of the affirmative votes, 124 were democrats, and 39 were whigs: 38 whigs voted in the negative, and 16 democrats. It will

* "Joint resolution of notice to Great Britain to" annul and abrogate "the convention between Great Britain and the United States, of the sixth of August, eighteen hundred and twenty-seven, relative to the country "on the northwest coast of America, westward of the Stony Mountains, commonly called Oregon.

"*Resolved*, By the Senate and House of Representatives of the United States of America, in Congress assembled, that the President of the United States cause notice to be given to the Government of Great Britain, that the convention between the United States of America and Great Britain, concerning the territory of the northwest coast of America, west of the Stony or Rocky Mountains, of the sixth day of August, eighteen hundred and twenty-seven, signed at London, shall be annulled and abrogated twelve months after giving said notice.

"*Resolved*, That nothing herein contained is intended to interfere with the right and discretion of the proper authorities of the two contracting parties, to renew or pursue negotiations for an amicable settlement of the controversy respecting the Oregon territory."—*Resolutions which passed the House of Representatives, U. S., February 9th*, 1849.

be discovered that a large majority of those who voted for the resolutions were democrats, while a large majority of those who recorded their names in the negative, were whigs.

The resolutions were transmitted to the Senate and were amended in that body by a vote of 30 to 24, and, as amended, they passed the Senate on the 16th of April, 1846. Forty Senators voting in the affirmative and fourteen in the negative.* It will be discovered that there was a striking difference between the resolutions passed by the House and by the Senate. The former were mandatory, and directed the President to cause notice to be given, while the latter threw upon the Executive the entire responsibility of performing that act. The House resolutions specified that it was not the intention of that body to interfere with the right and discretion of the proper authorities to renew or pursue negotiations for an amicable settlement of the controversy respecting the Oregon territory. The resolutions of the Senate asked the earnest and immediate attention of both Governments to renewed efforts for the amicable settlement of all

* "And, therefore, steps be taken for the abrogation of the said convention of the 6th of August, 1827, in the mode prescribed in its second article, and that the attention of the Governments of both countries may be the more earnestly and immediately directed to renewed efforts for the amicable settlement of all their differences and disputes in respect to the said territory.

"*And be it further resolved*, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the British Government, the notice required by its said second article for the abrogation of the said convention of the 6th of August, 1827."—*Senate Resolutions.*

their differences and disputes in respect to said territory. On the 18th of April the House proceeded to amend the amendment of the Senate,* by a vote of 100 to 87, and as amended they passed by a vote of 144 to 40. A motion was made on the 20th of April, by Mr. Allen of Ohio, that the Senate agree to the amendments, which was negatived by a vote of 29 to 21. A committee of conference was appointed by ballot, and resulted in the selection of Messrs. Berrien, Haywood, and Corwin. Those who were in favor of enforcing our rights to the whole of Oregon, saw in the selection of this committee a surrender of a portion of that territory. There was much more in the parliamentary tactics of the opposition members of the Senate, and the reserve who acknowledged John C. Calhoun as their leader, than was generally supposed. Those who did not absolutely deny our title to the whole of the Oregon territory, still managed by an evasive and subtle policy to throw obstacles in the way of a prompt adjustment of the question. Instead of assuming the power which justly belonged to Congress of giving the notice to Great Britain, they were determined to throw the entire responsibility upon the Executive.

The Senate committee met the one appointed by the House, consisting of Messrs. C. J. Ingersoll, Owen, and Hillyard, and their joint efforts pro-

* "*And be it further enacted*, That the President of the United States is authorized and requested to give to the British Government the notice required by its said second article for the abrogation of the convention of the 6th of August, 1827."—*Amendment of the House to the Amendment of the Senate, Congressional Globe, 1st Session 29th Congress*, p. 692.

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duced what was scarcely regarded as a compromise between the two Houses.* The Senate agreed to the report of the committee by a vote of 42 to 10, and the House by a vote of 142 to 46. Although the report which thus received the sanction of Congress, threw the responsibility upon Mr. Polk of giving the notice; many members who voted for it were resolutely determined to enforce our claim to every foot of territory to which we were entitled. They gave a reluctant vote for the resolutions, because there was no probability that the Senate would abandon the position which they had assumed. They also had a perfect reliance in the firmness and decision of the Executive. And believing that the termination of the joint occupancy

* "With a view, therefore, that steps be taken for the abrogation of the said convention of the 6th of August, 1827, in the mode prescribed in its second article, and that the attention of the Governments of both countries may be the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of the differences and disputes in regard to the said territory—

"*Resolved*, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the Government of Great Britain the notice required by the second article of the said convention of the 6th of August, 1827, for the abrogation of the same.

"C. J. INGERSOLL,
"ROBERT DALE OWEN,
"HENRY W. HILLYARD,
"Committee upon the part of the House.

"JOHN McPHERSON BERRIEN,
"THOMAS CORWIN,
"WILLIAM H. HAYWOOD, JR.,
"Committee upon the part of the Senate."

Congressional Globe, 1st Session 29th Congress, p. 720.

of that territory was the only means of settling the qustion, they sanctioned the resolutions.

The notice which Congress had authorized the President to give the English Government for the termination of the joint occupation of Oregon was communicated soon after through the American Minister at London.* This was followed by an offer upon the part of Mr. Packenham, to settle the question upon the basis of the proposition made by Mr. Polk in 1845. On the 10th of June, 1846, the Executive transmitted the proposal to the Senate, and solicited the advice of that body as to the course he should pursue. He stated in his message that the opinions which he had expressed in December, 1845, were unchanged; and that if the Senate should decline, by the constitutional majo-

* "Now, therefore, after a careful consideration of the premises, I, James K. Polk, President of the United States, in the exercise of the authority and discretion vested in me by the said 'joint resolution concerning the Oregon Territory,' and in pursuance of the second article of the convention of the 6th of August, 1827, therein mentioned, do hereby, in behalf of the United States, give notice to her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, that at the end of twelve months from and after the delivery of these presents by the Envoy Extraordinary and Minister Plenipotentiary of the United States at London to her Britannic Majesty, or her Majesty's Principal Secretary of State for Foreign Affairs, the said convention shall be entirely annulled and abrogated.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, given under my hand at the [L. S.] City of Washington, this twenty eighth-day of April, A. D. 1846, and of the Independence of the said States the seventieth.

"JAMES K. POLK.

"By the President,

"JAMES BUCHANAN, Secretary of State."

rity, to advise him to accept the proposition, he should reject it. If, on the contrary, they should, by the majority required to ratify a treaty, advise him to accept the offer of the British Government, he would do so.*

In this communication he committed himself to the action of the Senate, and it was well understood at Washington what advice that body would give

* "*To the Senate of the United States.*

"I lay before the Senate a proposal, in the form of a convention, presented to the Secretary of State on the sixth instant, by the Envoy Extraordinary and Minister Plenipotentiary of her Britannic Majesty, for the adjustment of the Oregon question, together with a protocol of this proceeding. I submit this proposal to the consideration of the Senate, and request their advice as to the action which, in their judgment, it may be proper to take in reference to it.

"In the early periods of the Government, the opinion and advice of the Senate were often taken in advance upon important questions of our foreign policy. General Washington repeatedly consulted the Senate, and asked their previous advice upon pending negotiations with foreign powers, and the Senate in every instance responded to his call by giving their advice, to which he always conformed his action. This practice, though rarely resorted to in later times, was, in my judgment, eminently wise, and may, on occasions of great importance, be properly revived. The Senate are a branch of the treaty-making power; and, by consulting them in advance of his own action upon important measures of foreign policy which may ultimately come before them for their consideration, the President secures harmony of action between that body and himself.

"My opinions and my action on the Oregon question were fully made known to Congress in my annual message of the 2d of December last, and the opinions therein expressed remain unchanged. Should the Senate, by the constitutional majority required for the ratification of treaties, advise the acceptance of this proposition, or advise it with such modifications as they may, upon full deliberation, deem proper, I shall conform my action to their advice. Should the Senate, however, decline by such constitutional majority to give such advice, or to express an opinion on the subject, I shall consider it my duty to reject the offer."—*Message of* Mr. POLK *to the Senate, June 10th*, 1846.

him. To reject the proposal of the English Government would have brought him into collision with a large majority of the Senate. The nerves which had remained unmoved during many political struggles, and the firmness which had often overcome the most fiery opposition, where the cheeks of the resolute and bold blanched with terror, were shaken at the prospect of a rupture with Great Britain unsanctioned by one branch of the legislative power.

Upon the receipt of the Executive message, Mr. Allen moved that it be referred to the Committee on Foreign Relations, of which he was chairman. This proposition was rejected by the decisive vote of 37 to 9. A resolution was then introduced advising the President to accept the proposal of the British Government. Mr. Niles moved to amend that proposition* by providing that the right to navigate the Columbia River by the Hudson Bay Company, and all British subjects trading with them, be limited to the year 1863. This amendment was rejected by a vote of 31 to 10, and the resolution as originally introduced was passed by a vote of 38 to 12.† Two more than the requisite number of votes were given in favor of the

* "*Resolved*, That the right of navigating the Columbia River, secured to the Hudson Bay Company, and to all British subjects trading with the same, be limited to the year A. D. 1863, when it shall cease and determine."—*Congressional Globe, 1st Session 29th Congress*, p. 1223.

† "*Resolved*, (two-thirds of the Senators present concurring,) That the President of the United States be, and he is hereby, advised to accept the proposal of the British Government, accompanying his message to the Senate, dated 10th June, 1846, for a convention to settle boundaries between the United States and Great Britain, west of the Rocky or Stony Mountains."—*Ibid.*

acceptance by the President of the offer made by Great Britain.

On the 16th of June a message was received from the President of the United States announcing the fact, that a convention between the two Governments for the settlement of the Oregon boundary, had been signed on the day before.* On the

* "Convention between the United States of America and her Majesty, the Queen of the United Kingdom of Great Britian and Ireland, concluded at Washington, the 15th of June, 1846.

"The United States of America and her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, deeming it to be desirable for the future welfare of both Governments, that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the northwest coast of America, lying westward of the Rocky or Stony Mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, have respectively named plenipotentiaries to treat and agree concerning the terms of such settlement: that is to say, The President of the United States of America has on his part furnished with full powers James Buchanan, Secretary of State of the United States, and her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, has on her part, appointed the right honorable Richard Packenham, a member of her Majesty's most honorable Privy Council, and her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

"ART. I. From the point on the forty-ninth parallel of north latitude where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel and of Fuca's Straits to the Pacific Ocean. *Provided, however*, that the navigation of the whole of the said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties.

"ART. II. From the point at which the forty-ninth parallel of north

18th of June, 1846, the Senate, by a vote of 41 to 14, advised and consented to the ratification of the treaty.*

latitude shall be found to intersect the great northern branch of the Columbia River, the navigation of the said branch shall be free and open to the Hudson's Bay Company and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers; it being understood that all the usual portages along the line thus described shall in like manner be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood that nothing in this article shall be construed as preventing, or intending to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers, not inconsistent with the present treaty.

"ART. III. In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property, lawfully acquired within the said territory, shall be respected.

"ART. IV. The farms, lands, and other property of every description, belonging to the Paget's Sound Agricultural Company, on the north side of the Columbia River, shall be confirmed to the said company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole or any part thereof, the property so required shall be transferred to the said Government, at a proper valuation to be agreed upon between the parties.

"ART. V. The present treaty shall be ratified by the President of the United States, by and with the advice of the Senate thereof, and by her Britannic Majesty, and the ratifications shall be exchanged at London at the expiration of six months from the date hereof, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington the fifteenth day of June, in the year of our Lord one thousand eight hundred and forty-six.

[L. S.] "JAMES BUCHANAN.
[L. S.] "RICHARD PACKENHAM."

* Those who voted in the affirmative were Messrs. Archer, Ashley,

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Bagby, Barrow, Benton, Berrien, Calhoun, Chalmers, Thomas Clayton, John M. Clayton, Colquitt, Corwin, Crittenden, Davis, Dayton, Dix, Evans, Green, Haywood, Houston, Huntington, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Moorehead, Niles, Pearce, Penybacker, Phelps, Rusk, Sevier, Simmons, Speight, Tuney, Upham, Webster, Woodbridge, and Yulee.

Those who voted in the negative were Messrs. Allen, Atchison, Atherton, Breese, Bright, Cameron, Cass, Dickenson, Fairfield, Hannegan, Jenness, Semple, Sturgeon, and Westcott.

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CHAPTER III.

Different races in Mexico.—The information is received there that Joseph Bonaparte was placed upon the throne of Spain.—Course pursued by the Mexicans.—Rupture between the Natives and Europeans.—Insurrection headed by Hid..go.—Plan of Iguala.—Iturbide proclaimed Emperor.—He is banished, and on his return to Mexico, is shot.—Revolutions.—Santa Anna elected President.—Texas Revolution.

THE war with Mexico occupied much of the attention of the administration. Mr. Polk had no sooner taken the oath of office, than he found our relations with that country were extremely delicate. No efforts which he could make, appeared to appease the Mexicans, or to induce them to act in good faith towards us.

It is now my purpose to trace the events which preceded the commencement of hostilities upon the Rio Grande, and to follow our victorious troops through their triumphant progress, until the capital of Mexico surrendered to their prowess and valor.

Before examining into the immediate causes of the war with Mexico, I will briefly refer to the prominent revolutions which occurred in that country previous to that event. The contest was waged with a so called republic; yet Mexico hardly deserves the name. Since the struggle terminated, which produced a separation from Spain, Mexico has been the theatre of anarchy and blood. Revo-

lution and violence have succeeded each other in rapid succession. The existence of each government has seldom lasted longer than two years, and instability and misrule have always controlled the fortunes of the Mexicans. This result, so fatal to law and order, has undoubtedly been produced by the peculiar mental organization of that people, and the amalgamation of the different races, which are found within the borders of Mexico.

The people are divided into seven great classes: 1st, the Europeans; 2d, the Creoles or whites, of pure European blood, but born in America; 3d, the Indians; 4th, the mestizos, or mixed breeds of whites and Indians; 5th, the mulattoes, or descendants of whites and negroes; 6th, the negroes; and 7th, the descendants of negroes and Indians. The pure Indians, in 1803, exceeded two millions and a half, and at the time of the revolution there were only eighty thousand Europeans. Among such a motley collection, perhaps it would be too much to anticipate the prevalence of republicanism.

The first manifestation of excessive zeal exhibited by the Mexicans in the affairs of the mother country, was upon the reception of the news that the Spanish Bourbons had been dethroned, and the crown usurped by a Bonaparte.

In July, 1808, a determination was manifested throughout Spanish America, to sustain the cause of the dethroned princes. Iturrigaray, the viceroy, proclaimed the establishment of the Spanish Junta, and required the ayuntamiento to yield obedience to its orders. Although they were true to Ferdi-

nand, still they refused obedience to the junto, and proposed the creation of a similar body in Mexico, and Iturrigaray was inclined to yield to their wishes. Probably this determination was manifested upon the part of the ayuntamiento, because a majority of them were natives of the soil; and there was exhibited a jealousy of the mother country. The audiencia was composed of the civil and military officers sent out from Spain; there was a natural antipathy, then, between this body and the natives of Mexico. Finding the remonstrances ineffectual, which they urged against the course of the ayuntamiento, the audiencia seized the person of Iturrigaray, and confined him in the palace. This act of violence rendered the rupture complete between the Europeans and the natives of the soil; and from that time commenced those dissensions which terminated in tearing from the crown of Spain its brightest jewel. For the time, however, the audiencia triumphed and overcame all opposition to the central junto. About this time, Don Francisco Xavier Vanegas was appointed to the viceroyalty of Mexico. This appointment proved most unfortunate for the interest of Spain in the new world. Passionate, headstrong and violent, he was totally unfitted for a position of so much importance, and hastened the crisis, which even the most prudent could not long delay. At this moment there appeared upon the stage, a man whose genius and patriotism at once aroused the slumbering energies of the Mexicans, and gave an impetus to the revolutionary spirit, which soon involved the whole country in the turmoils and violence of an insurrection.

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That man was Don Miguel Hidalgo Y Costilla. He was the cura or priest of Dolores. He was thoughtful and inquiring, possessing undoubted ability, and whatever acts of barbarity he may have committed in his subsequent career, he was nevertheless a man of kindly and generous impulses. His attention had been turned to agricultural pursuits. He had introduced the silk-worm, and had planted around his habitation the vine. These were destroyed, and this act of injustice aroused his resentment. The barbarities which he daily saw inflicted upon his countrymen, were now illustrated in his own case. By his eloquence and fiery ardor, he aroused the indignation of his neighbors, who flocked to his standard, and he soon found himself at the head of fifty thousand raw and undisciplined troops. Several battles were lost and won; victory alternately crowned the efforts of the Spaniards and Mexicans, until July, 1811, when Hidalgo was taken prisoner and shot. With his death almost expired the hopes of the patriots. It is true, in different parts of the country the contest was continued by broken divisions of the Mexican army, with varied success, until the Congress was forcibly dissolved by the Mexican General Teran. This resulted in the overthrow, in quick succession, of Victoria, Bravo, Rayan, Guerrero, and Teran.

These disasters were, to a certain extent, compensated by the introduction into Mexico of the Spanish constitution, in 1812. This event for a while gave satisfaction to the Mexicans, but the germ of Independence which began to bud during

the first insurrection gradually expanded into full bloom, and on the 24th of February, 1821, Iturbide, then in the service of Spain, assembled the chief officers of his army at Iguala, and presented them a set of propositions for the institution of a national government, which are termed in the history of that country, "the plan of Iguala." It proposed that Mexico should form an independent empire, the throne being offered to the king of Spain, and in the event of his refusal, to the other princes of his family, in succession.*

The independence of Mexico dates from this movement. Not satisfied with the establishment of a republican form of government, Iturbide usurped the supreme authority. In 1824 he was proclaimed Emperor. A revolution which quickly succeeded, expelled him from power, and he was banished from the land. Returning, however, against his express stipulations, he was arrested in July, 1824, and immediately shot.†

* 1. "That Mexico should form an independent empire, the crown of which should be offered to the king of Spain, and in the event of his refusal, to the other princes of his family in succession, on condition that the person accepting should reside in the country, and should swear to observe a constitution to be fixed by a congress.

2. "That the Roman Catholic religion should be supported, and the rights, immunities, and property of its clergy should be preserved and secured.

3. "That all the actual inhabitants of Mexico, whatever might be their birth-place or descent, should enjoy the same civil rights."

STATEMENT OF ITURBIDE.

† "The epoch in which I have lived has been a critical one; equally critical is the moment at which I am about to submit to the world a sketch of my political career. The public are not uninformed of my name, or

Subsequently to that event, and previous to the year 1828, one revolution succeeded another in quick succession. Violence, misrule and mob law

of my actions; but they have known both through a medium greatly discolored by the interests of those persons who have transmitted them to distant countries. There is one great nation particularly, in which several individuals have disapproved of my conduct, and have misrepresented my character. It becomes my duty, therefore, to relate my own history. I shall tell, with the frankness of a soldier, both what I have been and what I am. My actions and their motives may thus be fairly judged by every impartial person of the present age, still more by posterity. I know no other passion or interest save that of transmitting to my children a name which they need not be ashamed to bear.

"It would be an idle waste of time to set about refuting the various attacks which have been circulated against me; they are framed in terms calculated only to reflect dishonor upon their authors.

"It was my good fortune to break the chains which enthralled my country: I proclaimed her independence: I yielded to the voice of a grateful and a generous people, and allowed myself to be seated on a throne which I had created, and had destined for others: I repressed the spirit of intrigue and disorder. These are my crimes; notwithstanding which I now appear, and shall continue to appear, with as sincere a countenance before the Spaniards and their king, as I have worn before the Mexicans and their new rulers. To both countries I have rendered important services, though neither knew how to profit by the advantages which I acquired for them.

"In the year 1810, I was simply a subaltern officer; a lieutenant in the provincial regiment of Valladolid, my native city. It is well known, that the individuals who serve in those troops receive no pay. The military profession was not the principal object of my pursuit. I possessed an independence, and attended to the improvement of my property, without disturbing my mind with the desire of obtaining public employments. I did not stand in need of them, either for the purpose of affording me a subsistence, or of adding distinction to my name, as it pleased Providence to give me an honorable origin, which my forefathers have never stained, and which down to my time all my kinsmen have supported by their conduct.

"When the revolution, set on foot by Don Miguel Hidalgo, curate of Dolores, broke out, he offered me the rank of lieutenant-general. The offer was one that might have tempted any young man without experience, and at an age when his ambition might be excited. I declined it, howev-

prevailed throughout the land. In 1828, Santa Anna, who was then Governor of Vera Cruz, instigated a revolt in the city of Mexico, and was, by

er, because I was satisfied that the plans of the curate were ill contrived, and that they would produce only disorder, massacre, and devastation, without accomplishing the object which he had in view. The result demonstrated the truth of my predictions. Hidalgo, and those who followed his example, desolated the country, destroyed private property, deepened the hatred between the Americans and Europeans, sacrificed thousands of victims, obstructed the fountains of public wealth, disorganized the army, annihilated industry, rendered the condition of the Americans worse than it was before, by exciting the Spaniards to a sense of the dangers which threatened them; they moreover corrupted the manners of the people, and far from obtaining independence, increased the obstacles which were opposed to it.

"If, therefore, I took up arms at that epoch, it was not to make war against the Americans, but against a lawless band who harassed the country. The Mexican Congress, at a later period, proposed that statues should be erected to the leaders of that insurrection, and that funeral honors should be paid to the ashes of those who perished in it. I have warred with those chiefs, and I should war with them again under similar circumstances. The word insurrection in that instance did not mean independence and equal liberty; its object was, not to reclaim the rights of the nation, but to exterminate all the Europeans, to destroy their possessions, and to trample on the laws of war, humanity, and religion. The belligerent parties gave no quarter: disorder presided over the operations on both sides, though it must be acknowledged, that one party are censurable, not only for the evils which they caused, but also for having provoked the other party to retaliate the atrocities which were perpetrated by their enemies.

"About the month of October, in the year 1810, I was offered a safe conduct for my father and family, together with assurances that his property and mine should be exempted from conflagration and plunder, and that the people attached to them should not be subject to assassination (which was at that time a matter of ordinary occurrence), on the sole condition that I should quit the standard of the king and remain neutral. These propositions were made to me by the leaders of that disastrous insurrection, and are well known to the Mexicans. I was then at San Felipe del Obraje, commanding a small detachment of infantry, and at a distance of four leagues from me was Hidalgo with a considerable force. I gave the same answers to these overtures, as to the propositions already

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the Congress of the Republic, proclaimed an outlaw. Even at that early period in his career, he was remarkable for his wily and subtle policy, and

mentioned. I always looked upon that man as criminal, who, in a season of political convulsions, sheltering himself in cowardly indolence, remained a cold spectator of the evils which oppressed his country, and made no effort to mitigate, at least, if he could not remove, the sufferings of his fellow-citizens. I therefore kept the field, with a view equally to serve the king, the Spaniards, and the Mexicans.

"I was in consequence engaged in several expeditions, and had the good fortune to see victory never desert the troops under my command, except on one inconsiderable occasion (in 1815), when I made an attack on Coporo, a military point which was well fortified, and inaccessible from the nature of the ground. I then served under the orders of Llanos, a Spanish General. He commanded me to attack the place; delicacy forbade me to offer any opposition to his mandate, though I was fully convinced that the result could not be favorable. As soon as I was on the march, I communicated my opinion to the general by dispatch: I retreated, as I had foreseen I should do, but I had the good fortune to preserve four-fifths of my force, in an action in which I apprehended that I should have lost the whole.

"I engaged with the enemy as often as he offered battle, or as I came near him, frequently with inferior numbers on my part. I led the sieges of several fortified places, from which I dislodged the enemy, and I rendered them incapable of serving afterwards as asylums for the discontented. I had no other opponents than those of the cause which I defended, nor any other rivals than those who were envious of my success.

"In 1816 the provinces of Guanajuato and Valladolid, and the army of the north, were under my command; but I resigned my office through a sense of delicacy, and retired to pursue my natural disposition, in the cultivation of my estates. The reason of my resignation was this: two inhabitants of Queratarо, who were subsequently assisted by four or five families in Guanajuato, three of which consisted of the families of three brothers, and ought therefore to be considered as one, sent a memorial against me to the viceroy. Many were the crimes of which they accused me; they could not, however, find one witness to support their charges, though I had resigned for the purpose of removing every obstacle to their coming forward, by taking away the motives of hope on the one side, or of fear on the other. The families of the countess dowager of Rul, and of Alaman, gave proof, by abandoning the accusation, that they had been taken by surprise, and that they had been deceived. The vice-

sustained by the gallant and ever-faithful citizens of the province of Vera Cruz, he made a bold stand against the authorities of the country. Alternately

roys, Calleja and Apodaca, took cognizance of the matter, and after hearing the reports of the ayuntamientos, the curates, the political chiefs, the commandants and military chiefs, and of all the most respectable persons in the two provinces, and the army (who not only made my cause their own, but gave me tokens of their unqualified approbation), they affirmed the dictamen of their auditor, and of the two civil ministers, declaring that the accusation was false and calumnious in all its parts, that I had permission to institute an action of damages against the slanderers, and that I might return to discharge the functions of the office which I had resigned. I did not choose to resume the command, nor to exercise my right of action, and I gave up the pay which I enjoyed.

"The ingratitude which I experienced from men had wounded my feelings deeply; their insincerity, to call it by no severer name, made me shun every opportunity of again becoming the object of their attacks. Besides, the anger of the contending parties having expended itself, and the country having returned to a state of comparative tranquillity, I was relieved from that sense of obligation which six years before had compelled me to have recourse to arms. My country no longer stood in need of my services, and without betraying my duty, I thought that I might now rest from the toils of the camp.

"In 1820 the constitution was re-established in Spain. The new order of things, the ferment in which the Peninsula was placed, the machinations of the discontented, the want of moderation amongst the supporters of the new system, the vacillation of the authorities, and the conduct of the Government and Cortes at Madrid (who, from the decrees which they issued, and the speeches which some of the deputies pronounced, appeared to have determined on alienating the colonies), filled the heart of every good patriot with the desire of independence, and excited amongst the Spaniards established in the country, the apprehension that all the horrors of the former insurrection were about to be repeated. Those who exercised the chief authority, and had the forces at their command, took such precautions as fear naturally dictated; and those persons who at the former epoch had lived by disorder, made preparations for again turning it to advantage. In such a state of things the richest and most beautiful part of America was about to become again the prey of contending factions. In every quarter clandestine meetings took place, for the purpose of discussing the form of government which ought to be adopted. Among the Europeans and their adherents, some wished for the establishment of

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successful, and a refugee, he managed for several years to create revolutions and counter-revolutions.

To repress the demonstrations under Santa

the Spanish constitution. They succeeded in realizing their views to a certain extent, but the system was badly understood, and the loose manner in which it was obeyed, indicated the shortness of its duration. There were some who conceived that it ought to undergo modifications, inasmuch as the constitution framed by the Cortes at Cadiz was inapplicable to 'New Spain.' Others there were who sighed after the old absolute government, as the best support of their lucrative employments, which they exercised in a despotic manner, and by which they had gained a monopoly. The privileged and powerful classes fomented these different parties, attaching themselves to the one or the other, according to the extent of their political information, or the projects of aggrandizement which their imaginations presented. The Americans wished for independence, but they were not agreed as to the mode of effecting it, still less as to the form of government which they should prefer. With respect to the former object, many were of opinion that in the first place, all the Europeans should be exterminated, and their property given up to confiscation. The less sanguinary would have been contented with banishing them from the country, thus reducing thousands of families to a state of orphanage. The moderate party suggested only that they should be excluded from all public offices, and degraded to the condition in which they had kept the natives of the country for three centuries. As to the form of government, one party proposed a monarchy, tempered by the Spanish, or some other constitution; a second party wished for a federative republic; a third for a central republic; and the partisans of each system, full of enthusiasm, were impatient for the accomplishment of their different objects.

"I had friends in the principal towns, many of whom had been long connected with my family; others I had known in my expeditions, and during the period when I held my command. The army, I had reason to believe, was strongly attached to me. All those who knew me did their utmost to supply me with information. I had visited the best provinces, obtained accurate information as to the nature of the country and the character of the inhabitants, the points capable of being fortified, and the resources upon which dependence might be placed. I saw new revolutions on the eve of breaking out; my country was about to be drenched in blood; I was led to believe that I had the power to save her, and I did not hesitate to undertake so sacred a duty.

"I formed my plan, known under the title of 'the plan of Iguala.'

Anna, Bustamente, then President of Mexico, dispatched General Calderon with an effective force, who defeated Santa Anna on the 3d of March at

pamphlet, which I have seen, has asserted that that project was the work of a club of serviles, who held their meeting at the *profesa*, a building belonging to the congregation of St. Philip, in Mexico. Any person who reads the document must be convinced, from its contents alone, that it could not have been dictated by servilism; I put out of the question the opinions of those persons to whom it is attributed, and shall only say that they are matters upon which the multitude is very commonly mistaken. For me, I look upon those persons as men eminently respectable for their virtues and their knowledge. After the plan had been drawn out, I consulted upon it with distinguished individuals of different parties; not one of them disapproved of it; it was not modified in any manner; nothing was added or erased.

"In tracing out this project, my aim was to give independence to my country, because such was the general desire of the Americans; a desire founded on natural feelings, and on principles of justice. It was, besides, the only means by which the interests of the two nations could be secured. The Spaniards would not allow themselves to be convinced that their decline began with their acquisition of the colonies, while the colonists were fully persuaded that the time of their emancipation had arrived.

"The plan of Iguala guarantied the religion which we inherited from our ancestors. To the reigning family of Spain, it held out the only prospect which survived for preserving those extensive and fertile provinces. To the Mexicans, it granted the right of enacting their own laws, and of having their government established within their own territory. To the Spaniards, it offered an asylum, which, if they had possessed any foresight, they would not have despised. It secured the rights of equality, of property, and of liberty, the knowledge of which is within the reach of every one, and the possession of which, when once acquired, every man would exert all his power to preserve. The plan of Iguala extinguished the odious distinction of castes, offered to every stranger safety, convenience, and hospitality; it left the road to advancement open to merit; conciliated the good opinion of every reasonable man; and opposed an impenetrable barrier to the machinations of the discontented.

"The operation of putting the plan into execution was crowned with the happy result which I had anticipated. Six months were sufficient to untwist the entangled knot which had bound the two worlds. Without bloodshed, without fire, robbery, deva 'ation, without a tear, my country was free, and transformed from a colony into an empire. In order to ren-

Talome, and besieged him in the city of Vera Cruz. Fortune, however, did not long desert him. Calderon was forced to retreat. Bustamente resigned

der the work conformable to received customs, only one additional circumstance was required—a treaty, which the diplomatists would add to the long catalogue of those which they already possess, and which commonly turn out to be only so many proofs of the bad faith of men, as they are not seldom violated when it is the interest of one of the parties, and he happens to be the strongest. Nevertheless, it is right to follow the laws of custom. On the 24th of August, I had an interview with that most worthy Spanish general, Don Juan de O'Donoju; and on the same day was concluded between us a treaty, which bears the name of the place where it was signed, and was sent off to his majesty, Ferdinand VII., by an officer of O'Donoju's suit.

"The treaty of Cordova opened to me the gates of the capital, which otherwise I could have forced. But it is always delightful to me to be spared the necessity of exposing my men, and of shedding the blood of those who have been my companions in arms.

"There were persons who raised questions on the treaty of Cordova, by doubting my authority, as well as that of O' Donoju, to enter into a compact upon a matter of so much delicacy. It would be easy to answer them, by saying that in me was deposited the will of the Mexican people at that period; in the first place, because that which I signed in their name was conformable to what they must have desired; and secondly, because they had already given proofs of their sentiments; such as were able to bear arms, by joining me, and others by assisting me in every way which lay in their power. In every place through which I passed, I was received in the most enthusiastic manner. Seeing that no one was forced to exhibit these demonstrations, it is to be inferred that they approved of my intentions, and that their ideas accorded with mine. With respect to General O'Donoju, he was the principal authority furnished with credentials from his Government, and even though he might not have received specific instructions for that particular case, the circumstances authorized him to do the best he could for his country.

"Had this general commanded an army superior to mine, and possessed resources sufficient to enable him to carry on war against me, he might have properly refused to sign the treaty of Cordova, without first communicating with his Government, and receiving its answer. But attended as he was with scarcely a dozen officers, the whole country being in my power, his mission being adverse to the sentiments of the people, unable to procure intelligence of the state of things, without any

the Presidency, and was succeeded by Pedraza. In 1833, Santa Anna himself was elected President of Mexico. The dissolution of Congress by the Pre-

knowledge of the localities, shut up in a weak fortress, which was exposed to our fire, with an army in front of him, and the few troops of the king who had remained in Mexico, commanded by an intrusive chief; under such circumstances, let those persons who disapprove of the conduct of O'Donoju say what they would have done if they had been in his place, or what they imagine he ought to have done? He must have signed the treaty of Cordova, or have become my prisoner, or have returned to Spain! he had no other alternative. If he had chosen either of the latter, all his countrymen would have been compromised, and the Government of Spain would have lost every hope of those advantages which it then obtained; advantages which it never would have acquired, if I had not been in t' command, and if O'Donoju had not been an able politician as well as a faithful Spaniard.

"I entered Mexico on the 27th of September, 1821; on the same day was installed the Junta of Government which is spoken of in the plan of Iguala, and the treaty of Cordova. It was nominated by me, but not according to my arbitrary choice; for I wished to assemble together such men of every party as enjoyed the highest reputation amongst their friends. This was the only means which could be resorted to in such extraordinary circumstances for consulting the public opinion.

"Up to this point my measures gained general approbation, and in no instance were my hopes deceived. But as soon as the junta began to exercise its functions, it perverted the powers which had been granted to it; and within a few days after its installation, I saw what was likely to be the issue. From that moment I shuddered for the fate that awaited my fellow-citizens. It was in my power to resume the whole authority, and I asked myself, ought I not to resume it, if such a step be essential to the safety of my country? I considered, however, that it would have been rash in me to resolve on undertaking such an enterprise, relying solely on my own judgment. If I were to consult with others, my design might transpire, and intentions, which had sprung solely from my love for my country, and from a desire to promote its happiness, might be attributed to ambitious views, and construed into a violation of my promise. Besides, even if I were to accomplish every thing which I proposed, I could not have done it without infringing on the plan of Iguala, which it was my great object to maintain, because I looked upon it as the ægis of the public welfare. These were the true reasons which, together with others of less importance, restrained me from taking any de-

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sident was quickly followed by a change in the form of government. The State Legislatures were dissolved, and a Central Government, whole and in-

cisive measures. They would have brought me into collision with the favorite feelings of the cultivated nations of the world, and have rendered me, for some time, an object of hatred to a set of men, who were infatuated by chimerical ideas, and who had never learned, or had soon forgotten, that the republic which was most jealous of its liberty, possessed also its dictators. I may add, that I have always endeavored to be consistent in my principles; and as I had proposed to form a junta, I fulfilled my promise, and was reluctant to undo the work of my own hands.

"There were at this time some deputies in Mexico who set little value on the public happiness, when it is opposed to their private interest, and who had acquired reputation by some actions that appeared generous to those who were benefited by them without knowing the secret views by which they had been prompted. They were well acquainted with the mysteries of intrigue, ever ready to stoop to servility when they found it expedient, and to assume insolence when their star was in the ascendant. These men disliked me because I had hitherto been successful in my career, and they began to foment those parties which were afterwards known under the titles of Republicans and Bourbonists, and which, however they differed on other points, were united in their opposition to me.

"The republicans were hostile to me, because they well knew they could never bring me to contribute to the establishment of a government, which, whatever might be its attractions, did not suit the Mexicans. Nature produces nothing by sudden leaps; she operates by intermediate degrees. The moral world follows the laws of the physical. To think that we could emerge all at once from a state of debasement, such as that of slavery, and from a state of ignorance, such as has been inflicted upon us for three hundred years, during which we had neither books nor instructors, and the possession of knowledge had been thought a sufficient cause for persecution; to think that we could gain information and refinement in a moment, as if by enchantment; that we could acquire every virtue, forget prejudices, and give up false pretensions, was a vain expectation, and could only have entered into the visions of an enthusiast.

"The Bourbonists, on the other hand, wished for my fall, because, as soon as the decision of the government of Madrid was made known, through its decree of the 13th of February, which was subsequently transmitted by the minister for the colonies, and in which the conduct of O'Donoju was formally disapproved, the treaty of Cordova became null

divisible, was established. This act produced resistance upon the part of Coahuila, Texas, and Zacatecas. The latter State was reduced to sub-

and void, as to that part of it which invited the Bourbons to the crown of Mexico, and effective with respect to the nation's entering into the full enjoyment of its right to elect as sovereign the individual whom it would deem most worthy of that high office. The Bourbonists, therefore, no longer expecting that a Bourbon would reign in Mexico, thought only of our returning to our former state of dependence; a retrogression which was impossible, considering the impotence of the Spaniards, and the determination of the Americans.

"Hence I became the object of attack to both these parties, because as I had the public force at my command, and was the centre of general opinion, it was necessary to the preponderance of either party that I should cease to exist.

"The leaders of the factions spared no pains to gain proselytes; and certainly they found many to adhere to them. Some who were the least experienced, suffered themselves to be easily led away; because they saw nothing more in the projects on foot than what was represented to them, and there is no design of which different views may not be given; some hoped that by the subversion of the Government they might advance their own fortunes; and others, the natural enemies of established order, in whatever system it prevails, were anxious only for a change. Among the latter, one might be named who values himself on his literary accomplishments, and has made himself conspicuous in the revolution.*

"The first duty of the junta after its installation, was to frame the convocatoria, or proclamation for the assemblage of a Congress, which was to give a constitution to the monarchy. The junta took more time to perform this duty than the urgency of the case permitted, and committed several errors in framing the convocatoria. It was extremely defective, but with all its imperfections it was accepted; I could do no more than perceive the evil, and lament it. The census of the provinces was not consulted; hence, for instance, one deputy was appointed for a province containing a hundred thousand inhabitants, and four for a province scarcely peopled by half that number. Nor did it at all enter into the calculations of the junta, that the representatives ought to be in proportion to the civilization of the represented. Three or four individuals might be easily selected from among a hundred well-educated citizens, who might possess the qualifications necessary to constitute good deputies;

* The individual here referred to is probably Don Lucas Alaman.

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mission by Santa Anna in person, while General Cos was dispatched for the purpose of forcing the Texans to yield. Thus violence and fraud pro-

whilst among a thousand, who are without education, and are ignorant of the first rudiments, scarcely one man can be met with of sufficient ability to know what is conducive to the public welfare—whose mind is sufficiently enlarged to take accurate views of public affairs, or at least to save him from extravagant errors respecting them; who has sufficient firmness of character to vote according to what he thinks best, and not to deviate from his opinion when once convinced of its truth; and whose experience enables him to perceive the grievances which afflict his province, as well as the remedy which they require. For, although that remedy might not always be within his reach, such experience would enable him, on hearing others proposed, to form a sound judgment upon them.

"These defects were quite sufficient to extinguish every hope, that any benefits would be derived from the convocatoria of the junta. It had many other faults which I have not mentioned, as I do not mean to comment upon them. But there is one which I cannot pass over in silence, that of having the deputies nominated at the will, not of a district (*partido*), for that would be of a majority of the citizens, but of the ayuntamientos of the principal towns. See the injury thus done to the country people at large! In the elections a vote was given by the junta, to the electors, chosen by the country people; and a voice was also given to the individuals who composed the ayuntamiento of the principal town of each department. But in electing the ayuntamientos, it was possible to get into them by a little management, as was in fact frequently done; because the wish of aspiring to the functions of these bodies, was not so general as the ambition of obtaining a seat in Congress. The ayuntamientos were, therefore, filled up at their own pleasure, and were consequently vitiated; and as all the members possessed a vote in the elections for deputies, the ayuntamientos became almost the only electors. This is evident to any one who knows how thinly the population is distributed over that country, and how great a disproportion exists between the number of inhabitants in a town, and in its dependencies.

"To render this clearer, let it be supposed that a principal town of a province contains four, eight, or ten thousand inhabitants, leaving out of the question the city of Mexico, the population of which exceeds one hundred and seventy thousand souls, and other cities densely inhabited. The ayuntamiento of such a town consists, perhaps, of fifty or sixty members; the departments which have to send electors to the principal town,

duced a radical change in the internal affairs of Mexico, and the sovereignties of the States were substituted by the establishment of a Central Gov-

name no more than eight or ten. This small number, therefore, acting in conjunction with all the members of the ayuntamiento, is reduced to a cipher, and the election terminates according to the pleasure of that body. Thus the people were deceived by being told, that in *them* resided the sovereignity, which they were to delegate to the deputies whom they were about to name; when in fact there was no such nomination, except on the part of the ayuntamiento, or rather, indeed, of the directors of the junta, who, after the dissolution of that body, passed into the Congress, in order to continue their manœuvres.

"To this system, so framed, was added intrigue in the elections; the most worthy men were not sought for, nor even those who were decided for any particular party. It was quite sufficient if the candidate were my enemy, or so ignorant that he might easily be persuaded to become so. If he possessed either of these requisites, he was deemed competent to discharge the sacred functions which were to be intrusted to him.

"If the archives of state have not been spoliated, remonstrances may be found amongst them from almost all the provinces, pointing out the nullity of the powers conferred on the deputies. Several individuals were elected who had been accused of conduct notoriously scandalous; some had been prosecuted as criminals: others were men of broken fortunes, tumultuous demagogues, officers who had capitulated, and who, violating the laws of war and their paroles, had again taken up arms against the cause of liberty, and after suffering defeat had surrendered a second time. Some of the new deputies were obstinate anti-independents, and one was an apostate monk, although by law no member of the religious orders could have a seat in Congress. The authors of the remonstrances offered also to prove, that the rules for the conduct of the elections, as they were laid down in the convocatoria, had been infringed; and that the persons returned were not those whom the majority approved, but those who were the most skilful in intrigue. These documents were all sent to my department, when I was generalissimo and admiral-in-chief; when I became Emperor, I directed them to be transmitted to the department of the interior, for the purpose of being deposited in the archives. I did not wish to lay them before the Congress, because, even if justice were done, which could hardly be expected, I saw that they would be productive only of odium, and of legal prosecutions. I considered that time would be lost in new elections, as it would be necessary to have the most of them renewed, and I felt that our most important care was first to organize the govern-

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ernment. Stability did not follow this event. The history of the country from the insurrection under Hidalgo has presented a succession of revolutions.

ment. Besides, I thought that the errors into which this Congress might fall, might be corrected by that which should succeed it. This mode of reasoning, which would have been questionable, perhaps under any other circumstances, was suitable to those which then existed, because the object was to avoid greater evils.

"The result of the elections, therefore, was the formation of a Congress, perfectly conformable to the wishes of the party who influenced its nomination. A few men of undoubted virtue and wisdom, and of the purest patriotism, whose fair reputation was so widely extended that no machinations could prevent them from having a majority of suffrages, found themselves confounded with a multitude of intriguers, of assuming manners and sinister intentions. I do not desire to be credited on my mere assertions; examine the acts of the Congress during the eight months that elapsed from its installation until its suspension. The principal object of its assembling was to draw up a constitution for the empire: not a single line of it was written. In a country, naturally the richest in the world, the treasury was exhausted; there were no funds to pay the army or the public functionaries; there was no revenue, not even a system of finance established, as that which had existed in the time of the Spanish rule had been abolished, without any other system having been substituted for it. The Congress would not occupy itself in matters of such essential importance, notwithstanding the repeated and urgent solicitations which I made to it in person, and through the secretaries of state. The administration of justice was wholly neglected; in the changes which had taken place, some of the officers had left the empire, some died, others had embraced new avocations, and the offices and tribunals were nearly deserted. Upon this subject, also, the Congress declined to take any steps: in short, although the empire was in the weakness of infancy, and wanted their assistance at every point, they did nothing. The speeches which were pronounced, turned on matters of the most trifling description, and if any of them happened to touch on topics deserving of consideration, they were, to say the least of them, foreign to the exigencies of the moment. What honors should be paid to the chiefs of the insurrection who had fallen? What should be the form for the oath of an archbishop? Who ought to nominate the supreme tribunal of justice? Such, together with a demand for an apostate friar, who was a prisoner in the castle of San Juan de Ulua, and other similar subjects, formed the grave occupations of a body so august in its institution! Add to this, that not a single regulation was made

The people would now yield voluntary submission to a crown, and then become zealous supporters of popular liberty. But short intervals of calm would occur between the scenes of anarchy and violence.

for the government of the interior. The result was, that the Congress became the opprobrium of the people, and fell into a state of abject contempt. The public prints exposed its defects, and even one of the deputies stated his opinion, that it stood in need of reformation.

"It soon became manifest that the object of those who gave all its movements to that machine, was only to gain time, and to deceive each other until they found an opportunity, for the arrival of which they secretly labored, in order to throw off the mask. Notwithstanding the cunning which they used, and the dissimulation with which they endeavored to carry out their designs, the people and the army saw through their real views. Neither the army nor the people desired slavery on one hand, or republicanism on the other; nor did they wish to see me deposed, or even in any manner offended, and from these feelings arose that distrust with which the whole nation received all the resolutions that originated in so vitiated a body.

"About the month of April, 1822, a state of agitation was observable, which threatened to end in anarchy. A public measure, effected in a scandalous manner, discovered the hypocrisy of its authors. The Congress deposed three of the regents, leaving in office with me only one, who was well known to be my enemy, for the purpose of reducing my vote in the executive to a nullity. They did not attempt to depose me, from an apprehension that they would be resisted by the army and the people, of my influence with whom they were well aware. This resolution was passed in the most precipitate and singular manner. The question was proposed, discussed, agreed to, and carried into execution in one sitting, whereas it had been previously settled by decree, that every proposition which was submitted to the Congress, should be read three times, at three distinct sittings, before it should be discussed. After this step they proposed another; a commission, appointed for that purpose, presented a regulation concerning the regency, in which the command of the army was declared incompatible with the functions of the executive power. They were jealous of my having the soldiery at my disposal: to such men fear was very natural. This regulation, although it did not receive the sanction of the legislature on account of the want of time, left no doubt of the designs which were entertained against me, and was the immediate cause which accelerated the event of the 18th of May. At ten o'clock, on that memorable night, the people and garrison of Mexico pro-

Indeed, from 1828 to 1833, Mexico witnessed the ascendency of Santa Anna, the triumphs of Bustamente, the elevation of Guerrero, the popu-

claimed me Emperor. "Live Agustin the First!" was the univeral cry. Instantly, as if all were actuated by the same sentiment, that extensive capital was illuminated; the balconies were decorated, and filled with the most respectable inhabitants, who joyously echoed back the acclamations of the immense crowds of people which thronged all the streets, especially those near the house where I resided. Not one citizen expressed any disapprobation, a decided proof of the weakness of my enemies, and of the universality of the public opinion in my favor. No accident or disorder of any kind occurred. The first impulse of my mind was to go forth and declare my determination not to yield to the wishes of the people. If I restrained myself from appearing before them for that purpose, it was solely in compliance with the counsel of a friend who happened at the moment to be with me. "They will consider it an insult," he had scarcely time to say to me, "and the people know no restraint when they are irritated. You must make this fresh sacrifice to the public good; the country is in danger; remain a moment longer undecided, and you will hear their acclamations turned into death-shouts." I felt it necessary to resign myself to circumstances; and I spent the whole of that night in allaying the general enthusiasm, and persuading the troops to give time for my decision, and in the meanwhile to render obedience to the Congress. I went out repeatedly to harangue them, and wrote a short proclamation, which was circulated the following morning, and in which I expressed the same sentiments as those I addressed to the people. I convened the regency, assembled the generals and superior officers, communicated what had occurred by dispatch to the president of the Congress, and requested him to summon immediately an extraordinary sitting. The regency was of opinion that I ought to yield to public opinion; the superior officers of the army added, that such also was their unanimous opinion, that it was expedient I should do so, and that I was not at liberty to act according to my own desires, as I had dedicated myself entirely to my country; that their privations and sufferings would be useless if I persisted in my objections; and that having compromised themselves through me, and having yielded me unqualified obedience, they had a claim to my compliance. They subsequently drew up a memorial which they presented to the Congress, requesting it to take this important matter into its consideration. This paper was signed also by the individual who subsequently officiated as president of the act of Casa-Mata, and by one of the present members of the executive body.

larity of Gomez Farias, the victories of Bravo, the Presidency of Pedraza, and the disgrace of each and all in succession. In 1834 Santa Anna forced

"The Congress met on the following morning; the people crowded to the galleries and the entrance to the chamber: their applauses were incessant; a joyous agitation was observable in every face; the speeches of the deputies were interrupted by the impatience of the multitude. It is difficult to obtain order in moments like these; but such an important discussion required it, and in order to attain that object, the Congress required that I should be present at the sitting. A deputation was appointed, who communicated the invitation to me. I declined it, because as they were about to treat of me personally, my presence might be considered as a restraint on the freedom of debate, and an impediment to the clear and frank expression of each individual's opinion. The deputation and several general officers, however, prevailed on me to accept the invitation, and I immediately went out in order to proceed to the place where the Congress were assembled. The streets were scarcely passable, so crowded were they with the inhabitants of the capital; they took the horses from my carriage, and I was drawn by the people, and amidst their enthusiastic acclamations, to the palace of the Congress. On entering the hall where the deputies were assembled, the *vivas* were still more enthusiastic, and resounded from every quarter.

"The question of the nomination was discussed, and there was not a single deputy who opposed my accession to the throne. The only hesitation expressed by a few, arose from a consideration that their powers were not extensive enough to authorize them to decide on the question. It appeared to them that it would be necessary to notify the subject to provinces, and to require from them an enlargement of powers already granted, or new powers specifically applicable to this case alone. I supported this opinion, as it afforded me an opportunity of finding out some means for evading the acceptance of a situation which I was most anxious to decline. But the majority were of a contrary opinion, and I was elected by seventy-seven voices against fifteen. These latter did not deny me their suffrages; they confined themselves simply to the expression of their belief, that the provinces ought to be consulted, since they did not think their powers ample enough, but at the same time they said that they were persuaded that their constituents would agree with the majority, and think that what was done was in every respect conducive to the public welfare. Mexico never witnessed a day of more unmixed satisfaction; every order of the inhabitants testified it. I returned home as I had proceeded to the Congress, my carriage drawn by the people, who crowded

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the Congress to suspend its Sessions, and while that body were engaged in remodelling the constitution, commenced the Texas revolution, which ended in the independence of that country, thus severing for ever from Mexico a large portion of her territory, and which subsequently produced results of the greatest magnitude, involving two great republics in the conflict of arms, and terminating in the conquest of Mexico and the dismemberment of her territory. This brings us to the important question of the Texas revolution, the independence of that country, its annexation to the United States, and the war which ensued, which will be examined more in detail.

around to congratulate me, expressing the pleasure which they felt on seeing their wishes fulfilled."

CHAPTER IV.

The Boundaries of Texas.—Becomes a member of the Confederacy of 1824.—The Texas which was obtained from France in 1803, and which was ceded to Spain in 1819.—Grant of land to Moses Austin.—Settlement of Texas.—General Cos with a military force crosses the Nueces.—Collision of Arms.—Cos is forced to surrender.—Santa Anna invades Texas in person.—The garrison of Alamo slaughtered.—Murder of Fanning's command.—Battle of San Jacinto.—Santa Anna makes a treaty with the Texans.—The Mexicans evacuate Texas.—The claim of Texas to the Rio Grande.

THE Texas Revolution, and its consequences, were prominent causes of the war with Mexico; and therefore the settlement of Texas, its independence and annexation to the United States, must be briefly examined. It has been unjustly asserted by those whose position entitled their opinions to some consideration, that the first settlers of Texas were outlaws from their native land. That their object in emigrating to Texas was to seek an asylum, and when they had obtained sufficient strength, to sever from Mexico by force that portion of her territory. This charge is as unfounded as unjust.

In the investigation of this branch of the subject, it becomes important to ascertain what were the boundaries of Texas, at the date of her revolution.

It has been asserted, that, as the independence of that country was accomplished by revolution,

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only so much as was forcibly wrested from Mexico by the sword, was annexed to this country. On the other side, it has been as strenuously insisted, that the country known as Texas, has always been bounded on the south and west by the Rio Bravo; and to the extent of these boundaries was incorporated as a State into the Mexican confederacy. The several States of Mexico, in 1824, adopted a constitution similar to our own; and it has been insisted, that Texas, as one of those States, becoming a party to the compact, was bound by its provisions only so long as they remained in force. That the constitution of 1824 was a *compact of States*, there can be no doubt.* Santa Anna, subsequently to that period, having by force and fraud violated that constitution, each State in the confederacy was resolved into its original element.† It is not easily conceived how this reasoning can be successfully controverted. It is strongly fortified by analogy.

* Art. 4. The Mexican nation adopts for its government the form of republican representative, popular, federal.

Art. 5. The parts of this federation are the States and Territories.

Art. 171. The articles of this Constitution, and the constitutional act which establishes the liberty and independence of the Mexican nation, its religion, form of government, liberty of the press, and division of the supreme powers of the federation and the States, can never be reformed. —*Mexican Constitution of* 1824.

"Art. 2. It is free and independent of the other United Mexican States, and of every other foreign power and dominion." Passed March 11th, 1827, and accepted by Mexico.—*Constitution of Texas.*

† Vattel says it is a truth "acknowledged by every sensible writer, whose pen is not enslaved by fear or sold for hire, that as soon as a prince attacks the constitution of the state, he breaks the contract which bound the people to him; the people become free by the act of the sovereign, and can no longer view him but as a usurper, who would load them with oppression."

When the effort was made to form our own Constitution as a substitute for the old articles of confederation, delegates from the several States assembled in convention. The instrument which was then drawn up, until sanctioned by nine States, was not more obligatory than so much blank paper. Previously to becoming parties to the instrument, the States were independent sovereignties. They were known to possess certain limits, not always, it is true, very well defined, so far as the territories were concerned which belonged to them, but sufficiently so for all practical purposes. Suppose, then, these States had refused to become parties to the Constitution, each would have preserved its sovereignty entirely independent of the rest. Again, suppose that nine States—the number required by the Constitution to give it life, had become parties to it, and the three remaining States, had unconditionally refused to sanction it, there was no power to force them. They might have remained to this day separate and independent sovereignties. But for a still further illustration: suppose at this day the Union, which is composed of thirty States, and has expanded in power and grandeur until it has become one of the first powers on the earth, should be violently assailed by a victorious chieftain, fresh from the battle-field, with his trained bands obedient to his will, and the Constitution should be destroyed, will any one insist that the States would be bound by the decrees of the usurper? On the contrary, all would admit that the bonds which bound the Union together, having been violently dissevered,

each State would become free and independent. If this reasoning, from analogy, be conclusive, no one can deny that when the Constitution of 1824, to which Texas had become a party, was destroyed by Santa Anna, that Texas at once resumed the rights which she possessed before becoming a party to that compact. The country known as Texas, was ceded by France to the United States by the treaty of 1803. We have the authority of some of the most distinguished American, French, and Spanish statesmen, for saying, that the southern and western boundary of Texas was the Rio Bravo.*

* Mr. Adams in 1818 says: "The claim of France always did extend westward to the Rio Bravo. She always claimed the territory which you call Texas, as being within the limits, and forming a part of Louisiana."

Mr. Clay, in his Raleigh letter, written in 1844, said: "The United States acquired a title to Texas, extending, as I believe, to the Rio del Norte, by the treaty of Louisiana."

In Spain, Texas has gone to the Rio Bravo ever since the beginning of 1700. Mr. Cevallos, negotiating with Pinckney and Monroe, writes at Aranjuez, April 13th, 1805: "The limits between Louisiana and the Texas have been always known, even when the French possessed Louisiana. Near the beginning of the last century, the venerable Alanzet, of the order of San Francisco, founded in the province of Texas, towards the confines of Louisiana, different missions, among them Nacogdoches." And a few years after he wrote, "it was generally known in the writings of those times, that the province of Texas, or new Philippines, had its boundaries about the middle of the Gulf of Mexico, to Pocenes, the Rio Grande, and to the East Louisiana."

Let us hear Don Onis to Mr. Adams, January 16, 1817: "You did me the honor to applaud a proposition so frank and liberal, as dictated by equity and good faith, and made known to me with the same frankness, that the United States desired to unite to its dominions all the territories which belong to Spain to the east of the Mississippi; and that, for them, they would offer to Spain those which were between the Rio del Norte and the Colorado. But as not only these lands, but all those which lie between the Colorado and Cape North, drawing a line by the river Mermento, or Mermentao, towards the Presidio of Adias, and from thence, by

Unfortunately that Territory was ceded to Spain by the treaty of 1819, and subsequently to that period was wrested from that Government with the

the Arryo Onda, towards Natchitoches, are a part of the province of Texas, belonging to, and in the uninterrupted possession of, his Majesty, without there having been, in relation thereto, any dispute between France and Spain, (that dispute being solely as to Natchitoches, which fort the French raised unjustly in the territory of his Catholic Majesty,) it results that this proposition not only does not offer compensation to his Majesty for West and East Florida, whose cession to the United States you intimate would be very agreeable, but it involves the relinquishment of the property and possession which his Majesty has of the territory in the province of Texas, which lies between the Colorado and the vicinity of Natchitoches." (For Foreign Relations, 438.) There is no pretence that Spain altered the boundaries of provinces, between 1821 and 1824. At the latter date the Confederation of Mexico was established, taking the provinces as they then stood. (*See White's Recapitulation*, 375, Title X.)

CONSTITUTIVE ACTS OF THE MEXICAN FEDERATION.

FORM OF GOVERNMENT AND RELIGION.

ART. 1. The Mexican nation is composed of provinces formally known as the Viceroyalty of New Spain, the Captain-generalship of Yucatan, and the internal provinces of the east and west.

ART. 6. The integral parts are free, sovereign, and independent States, in as far as regards exclusively its internal administration, according to the rules laid down in this Act, and in the General Constitution.

ART. 7. The States at present composing the federation are as following, viz.: Guanajuato, the internal State of the west, composed of the provinces of Sonora and Sinaloa; the internal State of the east comprising the provinces of New Leon, Coahuila, and Texas; the internal State of the north, containing the provinces of Chihuahua, Durango, and New Mexico; Mexico; Michoacan, Oajaca, Puebla de los Angeles, Queretaro, San Luis Potosi, New Santander, called also Tamaulipas, Tabasco, Lascala, Vera Cruz, Jalisco, Yucatan, and Zacatecas. The Californias and the district of Coluira, (except the town of Fomiela, which remains annexed to Jalisco,) will for the present be territories of the federation, and directly subject to its supreme power.

Dated Mexico, January 31, 1824.

JOHN GAZENAN.

Page 380. The Federal Constitution of the United Mexican States, sanctioned the General Constituent Congress on the 4th of October, 1824. —388, Title 11. Only section.

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remainder of the Mexican provinces. After the cession of Texas to Spain, it was well understood by statesmen and intelligent men of every party, that the western boundary of that country continued to be the Rio Grande;* at all events, to a consider-

ART. 4. The Mexican nation adopts for the form of its Government a popular, representative and federal republic.

ART. 5. The constituent parts of the federation are the following States and Territories, viz.: The States of Chiapas, Coahuila and Texas, Durango, Guanajuato, Angelos, Queretaro, San Luis Potosi, Sonora and Sinaloa, Tabasco, Tamaulipas, Vera Cruz, Yucatan, and Zacatecas; the Territories of Upper California, Lower California, Colima, and Santa Fe de Nuevo Mexico. Congress shall fix the character of Tlascula.

Dated 4th of October, 1824, fourth year of independence, third of liberty, and second of confederation.

Laws and Decrees of the State of Coahuila and Texas, page 29.

The Territory of the State shall continue to be governed as the said provinces, until the present time. August 15, 1824.

429. DECREE NO. 1.

ART. 1. In that part of this State known as the Province of Texas, a political authority shall be provisionally established, styled "Chief of Department of Texas." February 1, 1825.

Mr. Madison says, January 31, 1804, to Mr. Livingston, "With respect to the western extent of Louisiana, Mr. Jefferson adopts language more satisfactory. He considered the Rio Bravo, or the Norte, as far as the thirtieth degree of north latitude, as its true boundary on that side."—*Foreign Relations*, page 574.

* "Texas is bounded southeast by the Gulf of Mexico, west and southwest by the Rio del Norte."—*Morse's Geographical Dictionary*, edition 1821.

"Texas, province of Mexico, bounded southwest by the Rio Grande del Norte."—*Brooks's Universal Gazetteer*, edition 1823.

"Texas claimed by Spain as a part of the internal provinces, and bounded west by the Del Norte," &c.—*Worcester's Gazetteer*, 1823.

"Texas, province of Mexico, in the former provincias internas,

able distance up that stream.* It cannot be denied then, that the Texas which became a party to the compact of 1824, was the Texas which was acquired from France in 1803, and which was ceded to Spain in 1819. The Rio Grande was regarded as the western boundary of Texas, not only by well-informed persons in this country, but was not disputed by the Mexican authorities.

No claim had been made by the Government of Mexico, or by any of her military chieftains to the Nueces as the eastern boundary of the Mexican Republic previous to the battle of Palo Alto. In their pronunciamentos they have demanded the Sabine as the boundary of their possessions. They have claimed "the whole or none." And whenever they have given any evidence of being wearied of the attempt to re-conquer Texas, they have indicated the Rio Del Norte as the extent of their sacrifice.† In 1821 a large party of American citi-

bounded southwest by the Rio Grande del Norte.—*Darby's Gazetteer*, edition 1827.

"Texas, province of Mexico in the former internal provinces, is bounded southwest by the Rio Grande."—*Davenport's Gazetteer*, edition 1832.

In his letter to Aaron V. Brown, General Jackson says: "Remember also, that if Texas be annexed to the United States, our western boundary would be the Rio Grande, which is itself a fortification, on account of its extensive barren and uncultivated plains."

"The real Texas which we acquired by the treaty of 1803, and flung away by the treaty of 1819, never approached the Rio Grande, except near its mouth," &c.

* Again: "I draw a broad line of distinction between the Province of Texas and the Republic of Texas. The province laid between the Sabine and the lower Rio del Norte, and between the Gulf of Mexico and the Red River. The republic of Texas stretches to the whole extent of the left bank of the Rio del Norte. Of the two Texases, I go for the recovery of the old one."

† Proclamation of General Adrian Woll, June 20th, 1844. Dispatch

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zens formed the determination of settling upon a large tract of land, granted by Mexico to Moses Austin. They were not a lawless band of outlaws, determined to plunder Mexico of her territory, but were invited to go thither. The Mexicans, finding it exceedingly inconvenient to contend against the wild and desperate bands of Indians who were continually making incursions and carrying fire and slaughter among their defenceless hamlets, sought the protection of the western rifle against their terrible foes, and when they had formed a barrier between the Indians and Mexicans, the latter sought to disarm and render defenceless those who had generously proved their protectors. To submit to this cowardly aggression was impossible. The remorseless bands of savages, who hung like a dark and threatening cloud around their settlements, were only kept aloof by the dreaded rifle; and if the Texans had been disarmed, the tomahawk and scalping-knife would have carried death and dismay into every dwelling in Texas. Resistance or indiscriminate massacre was the only alternative. That Santa Anna had resolved upon their destruction they had no reason to doubt. The members of the Legislature of Coahuila were seized and imprisoned for merely *protesting* against the acts of the Central Government. In this state of excitement, surrounded by dangers upon all sides, the Texans elected delegates to meet in convention at

of General Filisola, May 31st, 1836. Articles of agreement signed May 14th, 1836, by Santa Anna, Gen. Filisola, Don Jose Urea, Don Antonio Ganoa, and Don Joachin Ramyres.

San Felipe in October, 1835. About this time General Cos, with a considerable body of troops, crossed the Rio Grande, and leaving a portion of his forces at Lipantitlan, on the west side of the Nueces, and at Goliad, marched with his main force to San Antonio. And while the delegates were quietly assembling, General Cos sent a body of two hundred cavalry to Gonzales, a small town in the neighborhood of that place, and demanded of the citizens the surrender of a small cannon which they used as a defence against the Indians. Their reply was grape and canister, and thus the Texas revolution commenced. The news of this collision at once aroused the people of Texas to the defence of their homes. They shouldered their rifles and hurried to the scene of contest. They rallied from both sides of the Nueces, and from the banks of the Rio Grande. In a few days Goliad and Lipantitlan had fallen into their possession. The convention which had assembled at San Felipe issued a declaration against the Central Government, and declared in favor of the Constitution of 1824. Determined that not a Mexican soldier should degrade the soil of Texas, they concentrated their forces around San Antonio and forced General Cos to surrender. Among the number who left their firesides to drive from the province the Mexican invaders, as I have already stated, were persons who resided between the Nueces and the Rio Grande. In the moment of peril they gallantly shared the dangers which threatened all! In the hour of triumph gratitude was not forgotten; they were not

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the men basely to disregard the interests of that portion of the people of Texas. Many of them fell during the struggle. The rights of the widow and orphan have been asserted, and to the honor of the Texas nation be it said, that they would have hazarded their national existence in the defence of her citizens residing in every portion of her dominions. By the terms of the capitulation of General Cos, the rights of those citizens were guaranteed.

Thus ended the first conflict between the Mexicans and the people of Texas. Not only did they manifest a determination to resist all attempts to subjugate them, but the result proved their ability to do so. The terms of the capitulation of Gen. Cos, establishes the first link in the revolutionary chain of title of Texas to the Rio Grande, as her western boundary.*

General Cos, with his soldiers and convicts, recrossed the Rio Grande. To this date, then, although assailed without any justification whatever, by those who should have been actuated by feelings of gratitude, the Texans exhibited a determination

* "*Capitulation entered into by General Martin Prefecto De Cos, of the permanent troops, and General Edward Burleson, of the Colonial Troops of Texas. Being desirous of preventing the further effusion of blood, and the ravages of civil war, we have agreed on the following stipulations:*

"1st. That General Cos and his officers retire with their arms and private property into the interior of the republic, under parole of honor that they will not in any way oppose the establishment of the Federal Constitution of 1824."

"3d. That the General take the convicts lately brought in by Colonel Ugartachea, beyond the river Rio Grande."

"14th. General Burleson will furnish General Cos with such provisions as can be obtained, necessary for his troops to the Rio Grande, at the ordinary price of the country."

to adhere to the constitution of 1824. Reared under the beneficent institutions of the United States, they were attached to the liberal principles which the constitution of 1824 guaranteed. They were willing to shed their blood in its defence. But Santa Anna as resolutely prepared to enforce their obedience to his despotic will. He gathered a large and well appointed army, resolved to subdue the spirit of the Texans, or ravage their country with fire and sword. All Mexico lay prostrate at his feet. No voice was raised in the defence of constitutional liberty; and it was left for the gallant little band of Texan heroes to battle alone with the forces of the usurper. It was then that a convention was called in haste, and a declaration of independence was issued,* and appealing to the God of bat-

* "It has dissolved, by force of arms, the State Congress of Cohuila and Texas, and obliged our representatives to fly for their lives from the seat of Government; thus depriving us of the fundamental political right of representation.

"It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial, in contempt of the civil authorities, and in defiance of the laws and the constitution.

"It denies us the right of worshipping the Almighty according to the dictates of our own conscience, by the support of a national religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.

"It has demanded us to deliver up our arms, which are essential to our defence—the rightful property of freemen, and formidable only to tyrannical governments.

"It has invaded our country both by sea and by land, with the intent to lay waste our territory and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

"It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenceless frontiers."—*Texan Declaration of Independence, March 2d*, 1836.

tles for the justice of their cause, they prepared for the conflict. The first blood which was shed in this struggle, watered the territory between the Nueces and the Rio Grande. The Alamo was surrounded by 9,000 Mexicans, and the fort was only taken after a terrible struggle, in which every one of its defenders perished. This victory was won by the Mexicans at a dreadful sacrifice of life. The Texans were armed with the much dreaded rifle, which produced dreadful havoc in the ranks of their foes. Colonel Fanning, unable to defend Goliad, accepted terms of capitulation which guaranteed the lives of his command. These stipulations were violated by Santa Anna, who ordered about four hundred prisoners to be shot; an act of cold-blooded barbarity which for all time will place the seal of infamy upon his character.

The bands of Santa Anna swept like the besom of destruction across that portion of Texas lying west of the Nueces. Nearly all of the male inhabitants in that part of the country found bloody but honorable graves. The Mexican army continued rapidly to advance, spreading fire and devastation in their terrible career, until Santa Anna was encountered upon the battle field of San Jacinto by 780 Texans on the 21st of April, 1836, and after a short but desperate conflict, was defeated and taken prisoner. The punishment which he deserved was death. He had violently overturned the constitution of his country, and sought at the point of the bayonet, to subjugate a people who had protected the Mexicans against the inroads of the savages.

He had conducted the contest as only a savage could be capable. He had disregarded the rules by which civilized nations are governed, and murder and indiscriminate slaughter marked his progress. But the Texans not only wielded their glittering blades upon the field of battle with terrible effect, but could treat with humanity a prostrate foe. A treaty was entered into with Santa Anna, 12th of May, 1836.* By the terms of this treaty Texas

* "*Articles of agreement and solemn compact made and adopted by David G. Burnett, President of the Republic of Texas, and the undersigned, members of the cabinet thereof, on the one part, and Don Antonio Lopez De Santa Anna, President of the Republic of Mexico, and Don Vincente Filisola, general of division, Don Jose Urea, Don Joachin Ramyres Y Sesma, and Don Antonio Gaona, generals of brigades of the armies of Mexico.*

"1st. That the armies of Mexico shall, with all practical expedition, evacuate the territory of Texas, and retire to Monterey, beyond the Rio Grande."

"3d. That the army of Texas are to march westwardly, and to occupy such posts as the commanding general may think proper on the east side of the Rio Grande, or Rio Bravo del Norte."

"5th. That the following be, and the same are hereby, established and made the lines of demarkation between the two Republics of Mexico and Texas, to wit: The line shall commence at the estuary or mouth of the Rio Grande, on the western bank thereof, and shall pursue the same bank up the said river, to the point where the river assumes the name of Rio Bravo Del Norte; from which point it shall proceed on the same western bank to the head waters, or source of said river, it being understood that the terms Rio Grande and Rio Bravo Del Norte apply to and designate one and the same stream. From the source of said river, the principal head branch being taken to ascertain that source, a due north line shall be run until it shall intersect the boundary line established and described in the treaty negotiated by and between the Government of Spain and the Government of the United States of the north; which line was subsequently transferred to and adopted in the treaty of the limits made between the Government of Mexico and that of the United States; and from this point of intersection the line shall be the same as was made and established in and by the several treaties above mentioned, to continue to the mouth or outlet of the Sabine river, and from thence to the Gulf of Mexico.

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was to be evacuated, and the Rio Grande was to be established as the boundary line between the two republics. This is the second link in the revolutionary chain of title which Texas won to that river. I know it has been asserted that Santa Anna being at that time a prisoner, all stipulations which he might agree to, were void. This objection seems more to be relied upon by certain American Members of Congress than by the Mexicans themselves.

Santa Anna commenced the war, and it is a principle of the law of nations that he had the right to terminate it.* The fact that he was a usurper does not affect the principle.†

The only question to be inquired into is, did he act *voluntarily*. There is abundant evidence to prove that he did.‡ If the law of nations was

"9th. The release of the President Santa Anna shall be made immediately on receiving the signatures of the Generals Don Viente Filisola, Don Jose Urea, Don Joachin Ramyres Y Sesma, and Don Antonio Gaona, to this agreement, and his conveyance to Vera Cruz as soon afterwards as may be convenient."

* "The same power who has the right of making war, of determining on it, of declaring it, and of directing its operations, has naturally that likewise of making and concluding a treaty of peace."—*Vattel*, p. 432.

† "Other states, as having no right to interfere with the domestic concerns of that nation, or to interfere in her government, are bound to abide by her decisions, and to look no further than the circumstances of actual possession. They may, therefore, broach and conclude a treaty of peace with the usurper."—*Vattel*, p. 436.

‡ "When I offered to treat with this Government (Texas), I was convinced that it was useless for Mexico to continue the war. I have acquired exact information respecting the country which I did not possess four months ago. I have too much zeal for the interests of my country to wish for any thing which is not compatible with them. Being always ready to sacrifice myself for its glory and advantage, I never would have hesitated to subject myself to torments of death rather than consent to any

different it would lead to the most disastrous consequences. In that event, exterminating war might be the result. Suppose all the members composing the Government at Washington, should be taken prisoners by an invading foe. If they had no power to make a binding treaty, peace would never be made, and a perpetual war would be the consequence. If General Scott had captured the Mexican authorities when he took possession of the city of Mexico, will any one assert that they would not have had the power to make a peace? If not, Mexico must have remained a subjugated province of this country. But again, to put a stronger case: suppose an absolute monarch should fall into the hands of his foes, unless he could make a treaty, the contest would be protracted for years. Until mankind become as remorseless and savage as beasts of prey, no such sanguinary rules could be adopted for the government of nations. The Texans complied faithfully with all the articles which the treaty contained. The Mexicans availed themselves of all the advantages which resulted from it. They not only in that way ratified the treaty, but

compromise, if Mexico could thereby obtain the slightest benefit. I am firmly convinced that it is proper to terminate this question by political negotiation."—*Letter of Santa Anna, July 4th*, 1836.

"His Excellency, (Santa Anna,) in my humble opinion, in the treaties agreed upon, and that I had the honor to send to your Excellency, acted with entire liberty, and had nothing more in view than the interest of his country."—*Dispatch of General Filisola, June 10th*, 1836.

"I do not mention other reasons, perhaps more convincing, and, in fine, I think I have saved the whole army from a disaster, and the national decorum from a positive disgrace."—*Dispatch of General Filisola, May 31st*, 1836.

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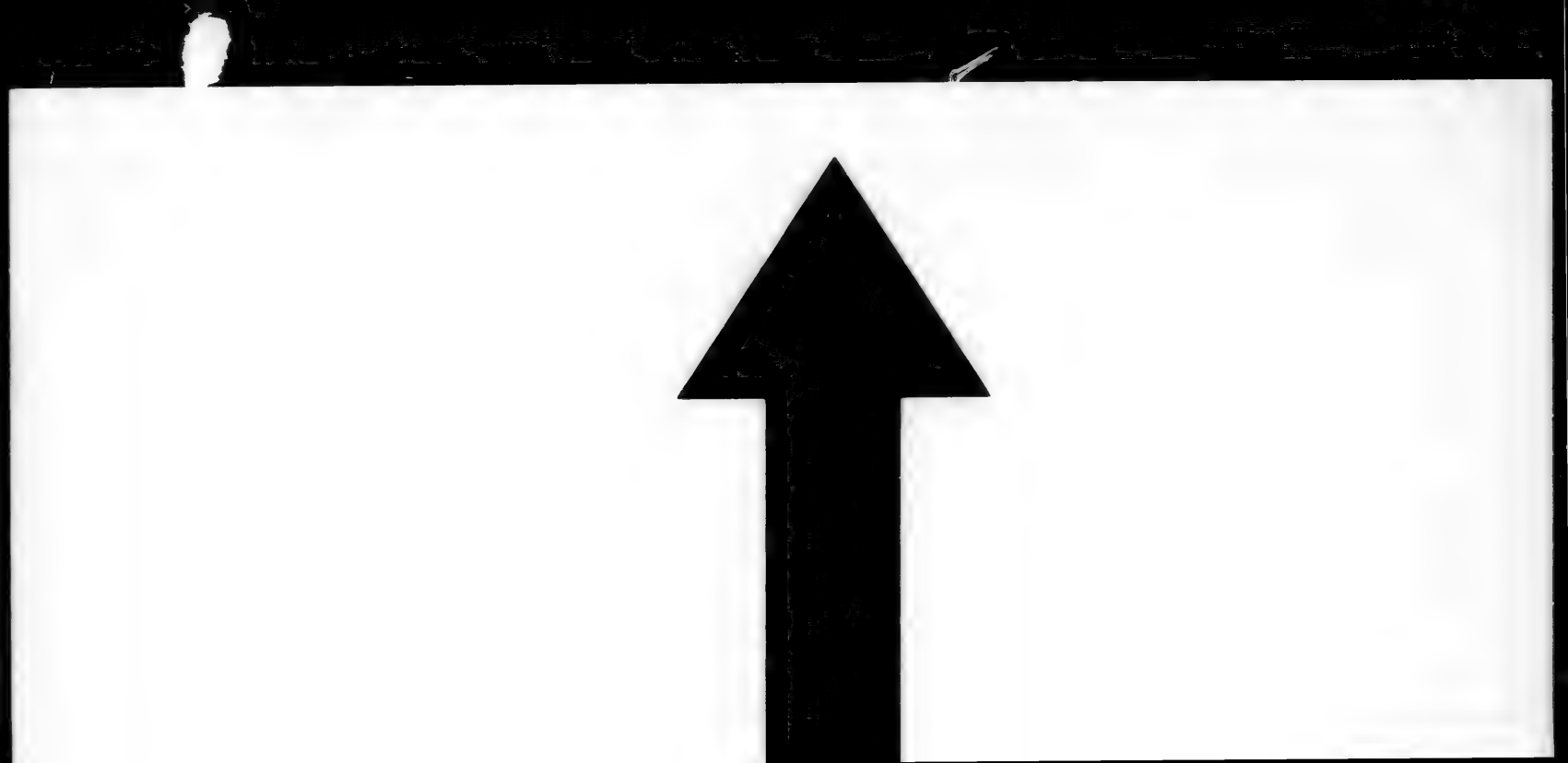

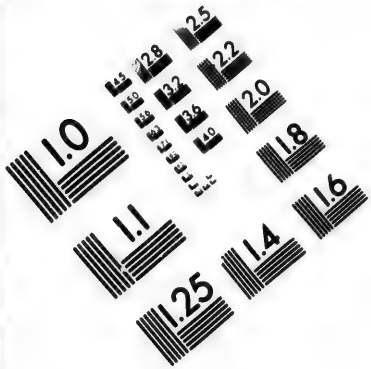

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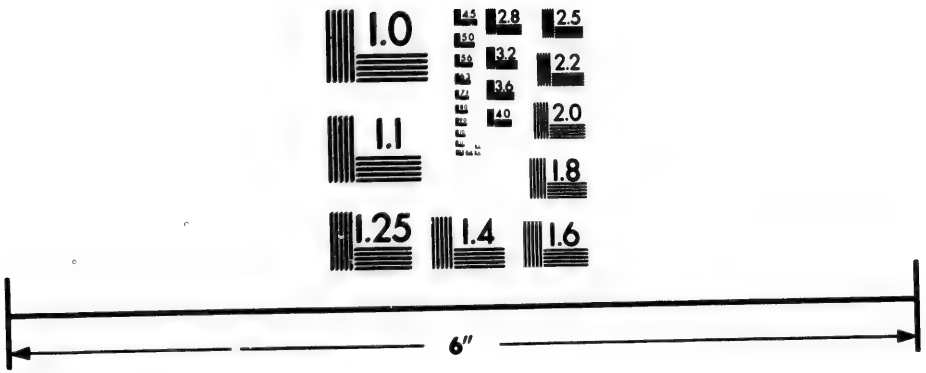

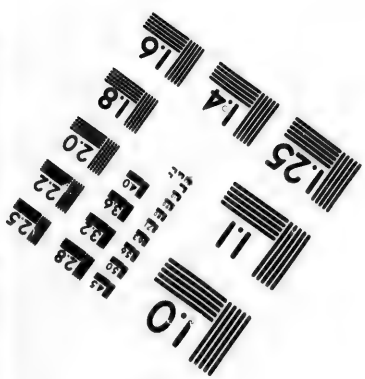

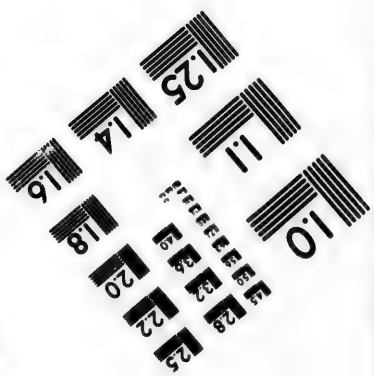

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the President *pro tem.* of the Mexican Republic, during the absence of Santa Anna, expressly authorized any act which would release the President from captivity, and relieve the Mexican forces in Texas from the imminent peril which surrounded them. This was done in a dispatch of the Secretary of War and Marine on the 15th of May, 1836, addressed to General Filisola.* Not only was ex-

"*Secretary's Office of War and Marine,*
Central Section, First Bureau.

* "Excellent Sir: With the most profound sorrow, his Excellency, the President *pro tem.*, has learned, by the official letter of your Excellency of the 25th of last month, the defeat suffered on the 21st of the same month, by the division commanded in person by the President General-in-chief of the army, (Santa Anna,) and the very lamentable misfortune that his Excellency should be made prisoner with other chiefs and officers.

"His Excellency, the President *pro tem.*, is in some measure consoled that a general so experienced as your Excellency should be the one who obtains the command, the which he expressly confirms.

"The first desire that his Excellency has, is that you address the enemy's general, exacting from him, by decorous means, the liberty of the President General-in-chief, or at least during the time this point can be regulated, the consideration due to his high dignity, and to a person so distinguished in the annals of American history, and for whose preservation the entire nation is interested by gratitude, and because he is chief of it.

"His Excellency, the President *pro tem.*, counts upon your Excellency's directing all your efforts to save the remainder of the army, by concentrating it so as to render it more respectable, placing it in a convenient place for receiving provisions, for which the most efficacious measures are adopted. The preservation of Bexar is of absolute necessity, in order that the Government, according to circumstances, may act as they see fit.

"The fate of all the prisoners is very interesting to the nation, and it is recommended to your Excellency to endeavor to alleviate it, giving authority from this moment to propose exchanges, and to preserve for this purpose, and because humanity exacts it, the lives of the prisoners made and that may be made from the enemy. Your Excellency knows the

press authority granted by the Government *ad interim*, in addition to the voluntary act of Santa Anna, but he obtained thereby the release of himself and his army. All the advantages resulting from the treaty were reaped by the Mexicans, and surely there is no reasoning based upon morality, which could excuse a repudiation of what had been so solemnly agreed upon. No portion of the spirit which actuated the noble Roman who returned to his foes, after having advised a rejection of the terms offered by the Carthagenians, can dwell in the bosom of that man, be he Mexican or American, who can justify the faithless conduct of the Mexican authorities.

Since the battle of San Jacinto was fought, there have been several incidental recognitions by the Mexican chiefs, of the Rio Grande as the boundary between the two countries.* After General Filisola had withdrawn beyond the Rio Grande; General Felix Houston, with a body of Texans, took, and kept possession of the east bank of that river. The garrison of Loredo, which had been maintained for years, was also withdrawn beyond the Rio Grande, and the whole territory was left

circumstances which may result from an imprudence committed in this affair, but the Government fears nothing as regards this, because it knows how great is the skill and zeal of your Excellency for the best service of the country."

* 3d. Every individual who shall be found at the distance of one league from the left bank of the Rio Bravo, will be regarded as a favorer and accomplice of the usurpers of that part of the national territory, and as a traitor to his country, and after a summary military trial, shall be punished as such.

Proclamation of Adrian Woll, Gen. of brigade, 1844.

in the possession of the Texans. The triumph of the patriots was complete, and the terrible chastisement inflicted upon the invader, taught him to treat with respect those who knew so well how to defend their rights. It is not easy to enslave men who have a just appreciation of their privileges, and possess the courage to defend them. No more gallant men ever unfurled their banners to the breeze, than the Texans who rallied around Houston and Rusk, at the battle of San Jacinto. They fought with the knowledge, that certain death followed in the path of defeat, yet they shrunk not from the trial, and so fearful was the collision, that the Mexican heart was appalled, and twice only during the eight succeeding years, did a Mexican force cross the Rio Grande, and then only to be driven ignominiously back. Texas emerged from the contest free and independent.*

* "Mexico may have chosen to consider, and may still choose to consider Texas as having been at all times since 1835, and as still continuing a rebellious province; but the world has been obliged to take a very different view of the matter. From the time of the battle of San Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of government, practically free and independent, acknowledged as a political sovereignty by the principal powers of the world; no hostile foot finding rest within her territory for six or seven years, and Mexico herself refraining for all that period from any further attempt to re-establish her own authority over that territory, it cannot but be surprising to find Mr. de Bocanegra, (the Secretary of Foreign Affairs of Mexico,) complaining, that for that whole period, citizens of the United States, or its Government, have been favoring the rebels of Texas, and supplying them with vessels, ammunition, and money, as if the war for the reduction of the province of Texas had been constantly prosecuted by Mexico, and her success prevented by these influences from abroad."—*Mr. Webster, Secretary of State, July* 8, 1842.

The people of Texas had given such evidence of their ability to maintain their independence of Mexico, that it was acknowledged, not only by the United States, but also by several of the principal powers of Europe. It was a fact well known to the Government and people of the United States previous to the annexation of Texas, that the inhabitants of that country claimed the Rio Grande as its western boundary. Upon all occasions, they had given evidence that such was their opinion. There was a provision in the constitution of Texas, authorizing a representation of the counties of Bexar and San Patricio. The first Congress of Texas passed an act, extending her jurisdiction over the country to the Rio Grande.* An act was also passed to incorporate the Texas railroad, navigation, and banking company, with the right of connecting the waters of the Rio Grande with the Gulf, by means of internal navigation.† An act to raise revenue by impost duties, was also passed, and one of the collection districts commenced at the Rio Grande.‡ An act was passed fixing the dividing line between the counties of Bexar and San Patricio.§ Other laws to the same effect were enacted.

The citizens of Texas had now passed through the different states of colonists, revolutionists, and independent freemen. A small band of men, inspired by an unconquerable love for liberty, had

* Law of Texas approved, December 19, 1836.

† Law of 16th December, 136.

‡ Law of June 12th, 1837.

§ Law of May 24, 1828. Law of the 21st December, 1838. Law, February 5th, 1840. January 14th, 1843. December 19th, 1843.

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boldly encountered the trained bands of eight millions of people. Conduct more savage and unrelenting than was practised towards them, never disgraced the annals of Indian warfare. But the Texans were more terrible upon the battle field, than any foes which that mixture of the European, Indian and African race had yet attempted to subdue; and the results of one campaign taught them to fear a collision with men, who, although merciful in the moment of triumph, were still resistless in the shock of battle.

I will merely add, that there is no force in the assertion, that the Texans only acquired a title by conquest to that portion of Texas, lying this side of the Nueces. It surely was not necessary that they should maintain soldiers upon every square foot of the territory. It is only necessary to possess the ability to make good the usurpation at all times. That was certainly the case with the Texans, from the battle of San Jacinto; until the moment of annexation, no hostile foot found a resting-place within her borders.

The American colonies declared their independence of Great Britain, in 1776. The struggle continued more than seven years. Suppose that England, instead of making a treaty, had withdrawn from the contest, would not our title be as good to every part of the thirteen States, as to that portion which was enriched by the blood of our revolutionary sires? And yet, how small a portion of that territory was trod by an American soldier.

CHAPTER V.

Independence of Texas.—She applies for admission into the Union.—Acquisition of territory by Mr. Jefferson.—Transfer of Texas to Spain by the Treaty of 1819.—Efforts of President Adams to have the title reconveyed.—Territory acquired while Mr. Webster was Secretary of State.—Efforts of England and France to prevent annexation.—Passage of the annexation resolutions.—Extension of our boundary.

I COME now to an examination of those events which resulted in the annexation of Texas to the United States. It is not true that the Government of this country ever sought to acquire that territory by conquest. On the contrary, all proper exertions were used in 1836, by the Administration then in power, to restrain the ardor of our people, who seemed determined to fly to the rescue of their brethren whose blood was watering the soil of Texas. The neutrality of our Government was preserved. This was not only the case, but to prevent any unjust accusations against its good faith, the application which Texas made, in a short time after the battle of San Jacinto, for annexation to this country, was rejected. At a general election in September, 1836, the citizens of Texas declared with great unanimity in favor of a union with the United States; and in November following the independence of that republic, authorized the ap-

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pointment of a minister to accomplish that result. But all their propositions were rejected by the administration of President Jackson. And it was not until a sufficient number of years had elapsed, during which time the Texans had exhibited far more ability to maintain their independence, than the Mexicans themselves, that the question of the annexation of Texas was seriously agitated in the United States. It is a remarkable fact, that the territory which we had upon several occasions offered to purchase from Mexico, she lost by her treacherous and unjustifiable conduct towards the citizens of Texas.

It was not left to the administration of Mr. Polk to originate the doctrine that our boundaries should be extended. Mr. Jefferson, by the treaty of 1803 with France, immeasurably advanced the interests of his country. This was unfortunately, to a considerable extent, impaired by the cession to Spain under the treaty of 1819; and no doubt, seeing the error committed by the cabinet of which he was a member, Mr. Adams, during the term of his presidency, made early and sincere endeavors to restore the boundaries of the United States to the Rio Del Norte. To accomplish this object, the constant exertions of his administration were employed. On the 26th of March, 1825, Mr. Clay, then Secretary of State, addressed a letter to Mr. Poinsett, our Minister at Mexico, in which he stated that the line of the Sabine approached too near our western mart, and suggested the Rio Del Norte in

lieu of it.* Similar instructions were reiterated to Mr. Poinsett, March 15th, 1827.†

The policy which dictated the extension of our boundaries, was adopted by the administrations of Presidents Jackson,* Van Buren and Tyler

* "Some difficulties may possibly hereafter arise between the two countries, from the line thus agreed upon, against which it would be advisable now to guard, if practicable; and as the Government of Mexico may be supposed not to have any disinclination to the fixation of a new line, which would prevent those difficulties, the President wishes you to sound it on that subject, and to avail yourself of a favorable disposition, if you should find it, to effect that object. The line of the Sabine approaches our great western mart nearer than could be wished. Perhaps the Mexican Government may not be unwilling to establish that of the Rio Brazos de Dios, or the Rio Colorado, or the Snow Mountains, or the Rio Del Norte, in lieu of it."

† "That of the Sabine brings Mexico nearer our great western commercial capital than is desirable; and although we now are, and for a long time may remain perfectly satisfied with the justice and moderation of our neighbors, still it would be better for both parties, that neither should feel that he is in any condition of exposure on the remote contingency of an alteration in existing friendly sentiments."

"Impressed with these views, the President has thought the present might be an auspicious period for urging a negotiation, at Mexico, to settle the boundary between the territories of the two republics. The success of the negotiation will probably be promoted by throwing into it other motives than those which strictly belong to the subject itself. If we could obtain such a boundary as we desire, the Government of the United States might be disposed to pay a reasonable pecuniary consideration. The boundary which we prefer, is that which, beginning at the mouth of the Rio Del Norte, on the sea, shall ascend that river to the mouth of the Rio Puerco, thence ascending this river to its source, and from its source, by a line due north, to strike the Arkansas; thence, following the course of the southern bank of the Arkansas to its source, in latitude forty-two degrees north, and thence, by that parallel of latitude, to the South Sea."

"There should also be a provision made for the delivery of the country to the United States simultaneously, or as nearly so as practicable, with the payment of the consideration."

* "Sir, it is the wish of the President that you should, without delay, open a negotiation with the Mexican Government, for the purchase of so much of the province of Texas as is hereinafter described, or for such

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Mr. Webster, in settling the northeastern boundary question, managed to acquire about one mile in width along the northern boundary of Vermont and New-York, including Rouse's Point, thus acceding to the doctrine that territory may be acquired without danger to our institutions. Indeed, the policy which prompts the acquisition of contiguous territory, has so long governed the most illustrious of our public men, and has so often received the sanction of the American people, that it may now be regarded as settled for ever.

It was unfortunate that at a time when so important a question as the annexation of Texas was agitated, that Mr. Tyler occupied the presidential chair. He had, for reasons which it is not necessary to enumerate here, lost his influence with the whig and democratic parties. So far as the annexation of Texas was concerned, instead of receiving additional weight from his sanction, it had the effect of placing obstacles in the way of its consummation.

There was besides other embarrassments of a grave character, which surrounded the subject. The rapid strides which the United States had been making to national greatness, was viewed with jealousy by Great Britain. The acquisition of so large a portion of territory as was included within the boundaries of Texas, was regarded with evident marks of dissatisfaction; and all the powers possessed

part thereof as they can be induced to cede to us, if the same be conformable to either of the localities with which you are hereinafter furnished."—*Dispatch of the Secretary of State to our Minister in Mexico, August 25th*, 1829.

by the most accomplished corps of diplomatists of modern times were employed to arrest the movement. France, too, was not idle. The two great maritime powers of the old world had taken the field against us. Mr. Packenham, for several years the British minister at Mexico, was accredited to the United States. Mr. Bankhead, once the minister of England to this country, was sent to Mexico. Captain Elliott, the British, and M. Saligny, the French minister in Texas, employed all their powers to prevent the union. Vessels of war were put in requisition, and protests and protocols were freely employed, but still without effect. France and England were not only violently opposed to the annexation of Texas from national considerations, but the English and Americans who were determined to prevent the acquisition of additional slavery territory, were taking active and energetic measures to frustrate the designs of the annexationists. The American delegation to the World's Convention had suggested to the abolitionists of England, that the time to act had arrived; an interview had taken place between Lord Aberdeen and a deputation of that convention. Combinations were formed by associations of men, who are often more successful in accomplishing their objects than governments themselves. But the public heart in the United States and Texas throbbed for a union of the two, and decided steps were taken to accomplish that result.

A proposition was made on the 17th of January, 1844, to Mr. Upshur, the American Secretary of

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State, by the Texan Minister, which, by its boldness, seemed to have startled the Cabinet of Mr. Tyler.* By the terms of this communication, the fear seemed to be entertained by the Texans, that if annexation should be accomplished, the Mexicans would immediately terminate the armistice, and at once resume hostilities; and the question was distinctly propounded to Mr. Upshur, whether the President, after signing the treaty, and before it was ratified by the other branch of the Government, would order the forces of the United States to protect Texas against foreign aggressions. Mr. Upshur

* "SIR: It is known to you that an armistice has been proclaimed between Mexico and Texas; that that armistice has been obtained through the intervention of several great powers, mutually friendly, and that negotiations are now pending, having for their object a settlement of the difficulties heretofore existing between the two countries. A proposition having been likewise submitted by the President of the United States, through you, for the annexation of Texas to this country, therefore, (without indicating the nature of the reply which the President of Texas may direct to be made to this proposition,) I beg leave to suggest that it may be apprehended, should a treaty of annexation be concluded, Mexico may think proper to at once terminate the armistice, break off all negotiation for peace, and again threaten or commence hostilities against Texas; and that some of the other Governments who have been instrumental in obtaining their cession, if they do not throw their influence into the Mexican scale, may altogether withdraw their good ffices of mediation, thus losing to Texas their friendship, and exposing her to the unrestrained menaces of Mexico. In view, then, of these things, I desire to submit through you, to his excellency the President of the United States, this inquiry: Should the President of Texas accede to the proposition of annexation, would the President of the United States, after the signing of the treaty, and before it shall be ratified and receive the final action of the other branches of both Governments, in case Texas should desire it, or with her consent, order such number of the military and naval forces of the United States to such necessary points or places upon the territory or borders of Texas or the Gulf of Mexico, as shall be sufficient to protect her against foreign aggression?"

never answered it. Mr. Nelson, his temporary successor as Secretary of State, did not answer it to the Texan Minister in Washington, but addressed a letter to Mr. Murphy, in Texas, under date of March 11th, 1844.

The terms of this communication did not satisfy the Texan Government, and Mr. Henderson, the newly appointed minister at Washington, from that country, refused to enter into negotiations. Fearful of losing the prize which was almost within their grasp, the administration of Mr. Tyler, on the 11th day of April, 1844, agreed to the demands of the Texan Government.* This was followed on the 12th of April, 1844, by a treaty between the two republics, for the annexation of Texas to the United States, which was rejected by the Senate.

During each step of the negotiations the Mexican Government had issued threatening protests,†

* "GENTLEMEN: The letter addressed by Mr. Van Zandt to the late Secretary of State, Mr. Upshur, to which you have called my attention, dated, Washington, 17th January, 1844, has been laid before the President of the United States.

"In reply to it, I am directed by the President to say, that the Secretary of the Navy has been instructed to order a strong naval force to concentrate in the Gulf of Mexico, to meet any emergency; and that similar orders have been issued by the Secretary of War, to move the disposable military forces on our south-western frontier, for the same purpose. Should the exigency arise to which you refer in your note to Mr. Upshur, I am further directed by the President to say, that during the pendency of the treaty of annexation, he would deem it his duty to use all the means placed within his power by the Constitution, to protect Texas from all foreign invasion. I have the honor to be, &c."—*Letter of the American Secretary of State, Mr. Calhoun, to the Mexican Minister, April* 11, 1844.

† "The Mexican Government will consider equivalent to a declaration of war against the Mexican Republic, the passage of an act for the incor-

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declaring that war would be the inevitable result, if the measure should be consummated. The question which for a time had been delayed by the Senate, was referred to the people in the celebrated contest of 1844, which resulted in the elevation of Mr. Polk to the presidency of the United States.

The impetus which had been given at the presidential election to the question of annexation, resulted in the passage by Congress, on the 1st of March, 1845, of a joint resolution for annexing Texas to the United States * upon certain preli-

porating of Texas into the territory of the United States; the certainty of the fact being sufficient for the proclamation of war, leaving to the civilized world to determine in regard to the justice of the Mexican nation, in a struggle which it has been so far from provoking."—*Mexican Minister of Foreign Affairs to the American Minister, August* 23, 1843.

"Such a measure (the annexation of Texas), if carried into effect, cannot be considered by Mexico in any other aspect than as direct aggression. . . . .

"And he (Almonte) moreover declares, by express order of his Government, that on sanction being given by the Executive of the Union to the incorporating of Texas into the United States, he will consider his mission ended, seeing that, as the Secretary of State will have learned, the Mexican Government is resolved to declare war as soon as it receives information of that fact."—*Mexican Minister, at Washington, November* 3, 1843.

"That Mexico was resolved again to undertake the campaign against Texas, for which he held in readiness a large army."—*Proclamation of President Santa Anna, June* 12, 1844.

* The first resolution provides, that Congress doth consent that the territory properly included within, and rightfully belonging to the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of Government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of the Union. That the foregoing consent of Congress is given upon the condition, that the said State be formed, subject to the adjustment by this Government of all questions of boundary that may arise

minary conditions, to which her assent was required. This was done by the Congress, and the Executive of Texas, and by the people in a convention elected for that purpose. The threats which had so often been made by the Mexican Government were put in force, and all diplomatic relations were broken off.* General Almonte, the Mexican Minister at Washington, in March, 1845, demanded his passports and returned to Mexico.

What evils will result from this large acquisition of Territory? *None.* It is the duty of a nation, as far as possible, to throw around itself the elements of protection against the assaults of foreign powers. The advantages resulting from such a course are two-fold. It wins that respect and for-

with other Governments; and the constitution thereof, with the proper evidence of its adoption by the people of the said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the 1st day of January, 1846.

The second resolution provides, that if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the first resolution to the Republic of Texas as an overture on the part of the United States for admission, to negotiate with that Republic, then, that a State to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two Representatives in Congress until the next apportionment of representation, shall be admitted into the Union by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States shall be agreed upon by the Governments of Texas and the United States, and the sum of $100,000 is hereby appropriated to defray the expenses of missions and negotiations to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct.

* Letter of General Almonte to the American Secretary of State, March 6th, 1845.

bearance from foreign Governments, which power seldom fails to produce; and it yields facilities for a prompt and effectual vindication of rights, which the unscrupulous are so ready to infringe.

If the interest of a country required the acquisition of contiguous territory, the proper means should most unquestionably be used by its Government to acquire that territory. If our nationality depended upon the *forcible* possession of any portion of this earth, it would be as justifiable upon the part of the Government to employ the requisite force to accomplish that end, as it would be for a drowning man to thrust his fellow from a plank, which would not support them both. They are both reconcilable upon the principle of "self-preservation being the first law of nature."

There have always been found men, however, in this country, opposed to the extension of our territorial limits. Whether the acquisition is made peaceably and by negotiation, or is the result of conquest, their views remain unchangeable. Some base their opposition upon the assumption, that our limits will become so enlarged that a dissolution of the Union will be the result; while others, more selfish and illiberal in their opinions, dread the departure of power from their own contracted sphere. They regard as the greatest calamity which may befall them, the overshadowing influence which the immense territory we have acquired will possess over those small States wherein they are omnipotent. The objections of the latter are unworthy of a moment's consideration. Their motives are

well understood and justly appreciated. It is to the fears of the honest which I prefer to address myself. And in the outset I might triumphantly refer to the history of this country, as a refutation of the stale charge, that an extension of our boundaries will produce, ultimately, a dissolution of the Union. The old "Thirteen" were at first inclined to retain dominion over those vast tracts which extended far to the westward. But they were finally controlled by a spirit of liberality. Out of the territory which originally belonged to them, have been carved several mighty States. Contiguous territory has been purchased from foreign powers. A vast and valuable section of country has been taken from a conquered power, inhabited by thousands of another race. And still the cohesive power of this mighty republic holds it together. The constitution and laws cover, like a protecting shield, all within our borders. Even upon the newly acquired soil of California, where have congregated the adventurous from many lands, the supremacy of law and order prevails, and the American, true to the allegiance and duty which he owes to these States, is prepared, at all hazards, to add another to the splendid galaxy which constitutes this confederacy.

While the public heart beats thus warmly from the centre throughout the borders of our land, what well-grounded fears can be entertained for the stability of the Union? It is not the extent of a country which produces weakness, as long as patriotism and virtue control the masses. And when they be-

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come thoroughly corrupt, it matters not how limited may be their sphere of action, they will soon be deprived of that liberty which they do not deserve to retain. We are often referred by those who have a fondness for historical facts, whether they are particularly applicable or not to the subject which they have under consideration, to the decline and fall of the Roman Empire.

The fate of that empire can have no parallel here. Its power and influence were confined within "The Seven Hills." The wealth which they plundered from the conquered was carried thither to corrupt her citizens. The provinces were treated as a conquered country; their citizens were robbed and maltreated. And when the Romans, enervated by their ill-gotten wealth, came in contact with the fierce and hardy men of the north, they were overthrown. What parallel is there between such a career and our own brilliant destiny? Our cities are very far from possessing the power of corrupting the country, even admitting that their inhabitants are not as patriotic as where they breathe the pure air of heaven. Suppose all the gold of California were poured into our large cities, what effect would that have upon this vast confederacy? Even if it was confined within those cities the country would be just as safe. But it is, on the contrary, circulated and diffused throughout the land.

Again, Rome was shaken by internal dissensions. A successful general would take advantage of a temporary popularity to encroach upon their rights. A brilliant orator would excite them to

their own undoing. What could be accomplished by the most successful general, or the most accomplished orator in this enlightened land? The very fact of our boundaries being so widely extended is a shield against all such dangers. One portion of the confederacy may be agitated, and aroused to such a pitch of frenzy as almost to result in revolution, as was the case with the small State of Rhode Island, while other and more distant parts of the Union maintain a coolness calculated to produce the best results.

In the very extension of our boundaries is the surest protection against convulsions within, and hostile legions from without. This country, for years to come, will be the great point of attraction to foreigners. Each year witnesses the arrival of thousands. If, as some suppose, danger may be apprehended from this vast influx of foreigners, how much the danger is lessened by mingling them with our own citizens, and diffusing them over our widely extended domain.

There is nothing so just and equitable in the constitution and laws of the United States, that no one can have cause for dissatisfaction. The foreigner who voluntarily comes to our shores, and the Mexican, who, without his consent, is "annexed" to this country, at once feel the influences which surround them so unusual, and the privileges conferred so grateful to their feelings, that they are at once and for ever bound to their new home by the strongest ties of gratitude and love. And that man who was born an American, would be doubly

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dyed a traitor, who could raise his voice in other than words of affection for his native land.

Let the boundaries of the Union, then, be extended; let contiguous territory be incorporated with our own; let all the *keys* to our rivers and harbors be secured; let the model republic increase in greatness until its political, moral, and physical power, shall be felt and acknowledged throughout the civilized world.

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CHAPTER VI.

American Consul at Mexico directed to open negotiations.—The Mexicans agree to receive a commissioner.—Mr. Slidell appointed Minister Plenipotentiary.—The Mexicans refuse to receive him in that character.—Causes of rupture which had long existed.—The Mexicans raise troops.—Herrera forced to resign in favor of General Paredes.—Orders issued to the Mexican commanders upon the frontiers to attack the Americans.—Course pursued by the opposition members of Congress.—Assault upon the foreign policy of Mr. Polk.

THE annexation of Texas having been solemnly agreed upon by treaty, the indignation of the Mexican authorities was completely aroused. On the 12th of July, 1845, orders were issued from the office of war and marine, for the troops to be in readiness to march towards any point which required protection, against what was regarded as unjust aggressions.* There could be no pretence for taking this step, as General Taylor had not at that time taken up his position at Corpus Christi. Although Mexico had abruptly terminated all diplomatic intercourse between the two countries, and had hurled defiance at the American Executive, Mr. Polk was unwilling to take up the glove thus rudely cast at his feet. In September, 1845, the consul of the United States at the city of Mexico,

* "See orders of Garcia Conde, Office of War and Marine, Mexico, July 12th, 1845."

was instructed by the Secretary of State to propose a resumption of diplomatic intercourse. This was done by Mr. Black on the 13th of October, 1845, in a letter to Mr. Peña Y Peña.* This note was responded to on the 15th of October, 1845, by the Mexican Secretary of Foreign Affairs,† who agreed to receive a commissioner from the United States, who might come with full power "to settle the present dispute in a peaceful, reasonable and honorable manner." Upon the condition, however, that the whole naval force then lying in sight of the port of Vera Cruz should be recalled. Upon the reception of that note at Washington, our naval force was promptly withdrawn. Mr. Slidell was immediately appointed Minister to Mexico, with full power to adjust all the questions in dispute. On the 8th of December, 1845, he addressed a note to Mr. Peña Y Peña, advising him of his arrival and the object of his mission. The Mexican authorities refused to receive him. The government of General Herrera, then President of Mexico, was upon the point of being overturned by General Paredes, and the basis of this revolution was the determination of Herrera to open negotiations.‡ As a last des-

* *See note of* Mr. Black, the American Consul, to Mr. Peña Y Peña, the Mexican Secretary of Foreign Affairs.

† *Letter of* Mr. Peña Y Peña to Mr. Black, Oct. 15th, 1845.

‡ "We now turn a glance to Mexico, where will be found established the government of General Paredes. As one of the motives by which the revolutionists supported their pronunciamento, was that the administration of Herrera did not desire to carry on this war, the new government was bound to do so at any cost."—*Mexican History of the War with Mexico, p. 38.*

perate expedient to maintain his position, Herrera determined to break off all negotiations with the United States, and the pretext for that course was the fact, that Mr. Slidell was commissioned with full power to adjust all questions in dispute between the two countries, instead of being appointed a special commissioner to settle the question of annexation alone, leaving all the outrages upon our flag and our people unadjusted.*

This will be the proper time to examine the grounds of complaint which the United States had against Mexico, for many years previous to the annexation of Texas.

The Mexicans had scarcely achieved their independence of Spain, when the United States welcomed them into the sisterhood of nations. The only return was a system of insult and aggression. Our seamen under the flag of the Union, engaged

* "Thus began anew the negotiations in December, 1845, and the minister, Mr. John Slidell, presented himself in Mexico. But immediately this difficulty arose, that his Government desired him to be received as a minister plenipotentiary, ordinary or general, and ours would only admit him as a commissioner *ad hoc* for the question of Texas. The settled opinion of the Government Council of the 16th of December of that year, made known with clearness the difference between the two characters. By admitting Mr. Slidell as a common envoy it resulted, that, at the time of arranging the questions of Texas, he might occupy himself with other subjects proper for a plenipotentiary who exercised his functions near a government with which there were only peaceful relations. By admitting Mr. Slidell as he wished, it resulted also, that, without Mexico receiving the satisfaction due her, diplomatic negotiations would become re-established between both powers; that the business of annexation would be complicated with the pecuniary reclamations; that Mexico would withdraw her hand from making war, and the United States would follow up all the consequent advantages to her commerce and interests."—*Ibid.* p. 28.

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in the peaceful pursuits of commerce, were thrown into dungeons and their property confiscated. Revolutions succeeded each other in rapid succession, but still there was no cessation in the spoliation of our commerce, and the insults to our flag. The Government of the United States again and again demanded redress. Promises were made by one military chieftain, only to be violated by another. A treaty of amity, commerce and navigation, was concluded between the two republics on the 5th of April, 1841. It was confidently believed that a proper regard would be paid by the Mexicans to the solemn stipulation contained in that treaty. But the results proved that too much confidence had been placed in the good faith of that amalgamated race. Seven years had not elapsed after the treaty of 1831, before the injuries our citizens were subjected to had become so intolerable, that the attention of Congress was particularly called to the subject by President Jackson, in his message of February, 1837.*

Committees of both houses of Congress to which this message was referred, endorsed his opinion of the character of the outrages of which Mexico had been guilty, and recommended one more demand for redress before a declaration of war, or the issu-

* "The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify in the eyes of all nations immediate war." —*Message of General Jackson, February*, 1837.

ance of letters of reprisal. On the 12th July, 1837, a demand was made upon Mexico, through a special messenger dispatched to that country. The reply of the Government was made on the 29th of July, in which they expressed the anxious wish that the equitable adjustment of existing difficulties might not be delayed. These pledges were solemnly made only to be broken. The attention of Congress was again called to the matter by Mr. Van Buren, in December, 1837. Another negotiation was entered upon, with the usual number of pledges upon the part of Mexico. This negotiation, after more than a year had elapsed, produced the convention of April, 1839. The Board of Commissioners to act upon the claims, met in the month of August, 1840, and by the terms of the convention they were required to terminate their labors within eighteen months thereafter. The time expired in February, 1842, leaving many claims unadjusted. Those allowed amounted to two millions twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents. Nearly a million of dollars was left without being decided upon; besides these claims, there were others, amounting to nearly three and a half millions, which the board had not time to act upon. The sum, however, adjudicated, was a positive debt due, about which there could be no equivocation. The Mexican government asked a postponement of the payment of this sum until a future day. This request was acceded to, on the 30th of January, 1843, upon condition that the principal and interest accruing thereon, should be paid in five years, in

equal instalments every three months. The result of this forbearance was the payment alone of the interest due on the 30th of April, 1843, and three out of the twenty instalments. A third convention was concluded at the city of Mexico on the 20th of November, 1843, for the adjustment of the claims due our citizens. As usual the terms of this convention were violated. How can the conduct of Mexico in thus wholly disregarding her treaty stipulations be excused? If these accumulated wrongs had been committed by one of the powers of Europe, war would have been the inevitable result. It renders imperative the promulgation of the doctrine, that while we will render strict justice to all nations, we will exact it from them in return.

Having thus briefly referred to the repeated insults committed by Mexico, followed by a total disregard of solemn treaty stipulations, I will proceed to show how forbearance upon our part, only tended to augment their insolence, until they consummated their national folly by the invasion of our territory.

Circulars were issued by the Mexican Secretary of War to the Mexican commanders, to raise troops for the purpose of waging war against the United States.* The annexation of Texas to this country was characterized as an act of perfidy. These circulars were followed, the ensuing month, by addresses to the troops under their command, by the Mexican Generals.† Nothing could be more ex-

* Circulars of Garcia Conde, Mexican Secretary of War, of July 12th, and July 16th, 1845.

† "Comrades: The Supreme Executive has sent to me, by express,

plicit than these declarations. The tone of their dispatches and addresses were exceedingly warlike, and the note of preparation was heard throughout Mexico. The popular feeling was aroused to such a degree of enthusiasm, that a violent assault was made upon the pacific policy of Herrera. A manifesto was promulgated against him by the army of reserve,* the ground for which was, the agreement

the news that the United States, in pursuance of their ambitious views, have taken possession of the department of Texas; he had demanded a declaration of war from Congress against that unjust nation.

"The time to fight is come. We must prepare with the ardor inspired by duty and patriotism, when an attack is made upon the soil, the honor, and the pride of the nation.

"Arms are the only arguments to use against banditti and men without good faith. Let us hope for that justice which is invoked by all society, and the decision of the civilized world.

"Large bodies of troops are on their march; they will soon be here, to share our dangers and repulse the enemy."—*Address of General Arista to his troops, on the 12th of August*, 1845.

"Soldiers! A rapacious and grasping race have thrown themselves upon our territory, and dare to flatter themselves that we will not defend the patrimony which our forefathers conquered with their blood. They deceive themselves: we will fly to snatch from them the spoils, the possession of which they are impudently enjoying; and they shall learn by dearly bought experience, that they are not contending with the undisciplined tribes of Indians whom they robbed of their land, their heaven, and their country; and that the Mexicans will ardently combat the soldiers of a nation which has sanctioned by its laws the most degrading slavery."—*Address of General Paredes to his troops on the 27th of August*, 1845.

* "Had repeatedly thwarted the purpose of the army to move upon Texas; and at the same time allowed the army to be vilified for its inaction by official journals; that it had admitted a commissioner, [meaning Mr. Slidell,] with whom it was endeavoring to arrange for the loss of the integrity of the republic; that it had reduced the country almost to a state of anarchy, in the midst of which it existed, without revenue, without power, and almost without will; that these evils demanded an immediate remedy, and that the administration confessed its total incompetency and powerlessness; that it has lost all respectability, so necessary to a govern-

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to receive a Commissioner from the United States. Another revolution succeeded. Herrera was forced to resign on the thirtieth of December, 1845, and was superseded by General Paredes.* All these exciting events preceded the march of General Taylor to the Rio Grande. The order directing him to take position upon that river, was not issued until the 13th of January, 1846, and was not received by him until the 4th of February following.

That war was regarded by the Mexican Government as their only recourse, is evident from the letter of the Mexican Secretary of Foreign Affairs to our Minister, bearing date March 12, 1846.† As a proof of the determination of Paredes to make good his protestations, he issued on the 4th of April,

ment, and had allowed a plenipotentiary of the United States to set foot in the country, and reside in the capital, with a view to bargain for the independence and nationality of the country, for which have been made so many sacrifices."—*Manifesto issued at San Luis Potosi, against the government of Herrera, 14th December,* 1845.

* "The year 1846 witnessed at its commencement new rulers figuring in the political drama, having been elevated to power by another revolution. General Paredes pronounced in San Luis against Herrera. A few days were sufficient for this shameful revolution to become a triumph the most complete. Then Mr. Slidell renewed his suit, in considering that, although the old had been terminated by a refusal, still, as the business now went into new hands to be transacted, it was a favorable opportunity to see if he should meet in them a better disposition."—*Mexican History of the War with Mexico.*

† "A fact such as this, or, to speak with greater exactness, so notable an act of usurpation, created an imperious necessity that Mexico, for her own honor, should repel it with proper firmness and dignity. The Supreme Government had beforehand declared that it would look upon such an act as a *casus belli*; and, as a consequence of this declaration, negotiation was, by its very nature, at an end, and war was the only recourse of the Mexican Government."—*Letter of the Mexican Secretary for Foreign Affairs to the American Minister, 12th March,* 1846.

1846, to the Mexican commander on the Texas frontier, an order to "attack" our forces "by every means which war permits." And on the 18th of the same month, he wrote to Ampudia that he presumed he was at the head of a valiant army, already fighting, or preparing for the operations of a campaign.* It should not be forgotten that the charges made against our Government, on the 12th of March, 1846, was on account of our "usurpation of their territory." And for that, it was declared that war was the only recourse of the Mexican Government. No allusion was made to the march of General Taylor to the Rio Grande. And at the time Ampudia was ordered to "attack" our forces, it could not have been known in Mexico that our army was in motion, General Taylor not having started for the Rio Grande until the 11th of March, 1846.

In obedience to these orders from the Government of Mexico, Arista crossed the Rio Grande with a strong force, and commenced an attack upon the American troops, and thus a state of war existed between the two countries.

The indignation which some of our own citizens have manifested since the war with Mexico was declared, because we were engaged in a conflict of arms with a so-called *sister republic*, displays more

* "At the present date I suppose you at the head of that valiant army, either fighting already, or preparing for the operations of a campaign;" and "supposing you already on the theatre of operations, and with all the forces assembled, it is indispensable that hostilities be commenced, yourself taking the initiative against the enemy."—*Letter of General Paredes to General Ampudia, April 18th*, 1846.

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partisan animosity, than discriminating judgment. Mexico does not deserve the appellation of a republic. Eighteen revolutions have taken place in that country within the last twenty-five years. Not peaceable revolutions, effected at the ballot box, but accomplished by the sword; some of them bloodless it is true, yet effected by treachery, violence, and force. Principle is unknown in the administration of public affairs, and if we except Gomez Farias, and a few other kindred spirits, the destiny of Mexico has been controlled by men who do not deserve the blessings of free institutions, and are unworthy of being associated with the Anglo Saxon race. The conflict with Mexico has been made the pretext for an assault upon Mr. Polk, unparalleled in the history of political warfare. The motives of the administration and its supporters were assailed upon the floor of Congress, upon the stump, and by the press, with unprecedented ferocity. The English language was exhausted in the selection of abusive and opprobrious epithets to be poured upon the head of Mr. Polk. Party animosity raged with uncontrollable fury, and the political and personal enemies of the President, in seeking to prostrate him, unfortunately arrayed themselves in opposition to a war forced upon us by an arrogant and perfidious enemy. It will not be left to posterity to settle the measure of ignominy, which justly attaches to conduct so unpatriotic.

The adherence to partisan leaders, which at all times is too ardent, for a brief period sustained the opposition members of Congress in the cause

which they pursued. But when reason had resumed its sway, and the conduct of the administration had been calmly examined, it was sustained by a majority of the American people. Even at the present day, Mexico is considered the aggressor; and the summary and terrible punishment which was inflicted upon her, is now regarded as an act of justice, which at the same time vindicated our own character, and chastised the presumption and treachery of a perfidious people.*

* "The country, which one year ago was quiet and prosperous, at peace with the world, and smiling under the profusion of Heaven's bountiful munificence, by the sole and authorized act of the President, has been plunged into an unnecessary and expensive war, the end and fearful consequences of which no man can foresee. And to suppress injury, and silence all opposition to conduct so monstrous, an Executive ukase has been sent forth, strongly intimating, if not clearly threatening, the charge of *treason* against all who may dare to call in question the wisdom or propriety of his measures. Not only was Congress, which possesses exclusively the war-making power, never consulted upon the subject until after hostilities were commenced, but the right is even now denied that body to make any legislative expression of the national will as to the aims and objects for which the war should be prosecuted. The new and strange doctrine is now put forth, that Congress has nothing to do with the conduct of war; that the President is entitled to its uncontrolled management; that we can do nothing but vote men and money, to whatever amount and extent his folly or caprice may dictate. Neighboring States may be subjugated, extensive territories annexed, provincial governments erected, the rights of conscience violated, and the oath of allegiance, at the point of the bayonet, may be administered to a mixed population, embracing all variety of races, languages, and color, and the representatives of the people are to say nothing against these extraordinary outrages against the first principles of their Government, or render themselves obnoxious to the imputation of giving 'aid and comfort to the enemy.' This is nothing less than the assumption of the principle, that patriotism consists in pliant subserviency to Executive will; that the President is supreme, and the 'King can do no wrong.'"—*Speech of Mr. Stephens, of Georgia, in the House of Representatives, February 12th*, 1847.

"I do not, at this time, intend to discuss the causes of the war, or to

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The distinct charges made upon the floor of Congress against the administration, were, that by marching the army beyond the Nueces, they trod

recount the blunders and folly of the President, connected with its origin. This I have done upon a former occasion; and all the facts, I believe, are now well understood by the country. The President may repeat, as often as he pleases, that it was 'unavoidably forced upon us.' But such a repetition can never change the fact. It is a war of his own making, and in violation of the Constitution of the country. And so history, I doubt not, will make up the record, if truth be fairly and faithfully registered in her chronicles."—*Ib.*

"While the United States seemed to be animated by a sincere desire not to break the peace, their acts of hostility manifested very evidently what were their true intentions. Their ships infested our coasts; their troops continued advancing upon our territory, situated at places which under no aspect could be disputed. Thus violence and insult were united: thus, at the very time they usurped part of our territory, they offered to us the hand of treachery, to have soon the audacity to say, that our obstinacy and arrogance were the real cause of the war.

"As soon as the Government of the United States decided to consummate its unjust projects against the American Republic, it determined to unite a force to sustain them. A considerable division under the orders of General Taylor, then a Brigadier General, encamped at Corpus Christi, June, 1845, in observation of our operations, and ready to advance to the Rio Bravo Del Norte, when ordered."—*Mexican History of the War in Mexico.*

"With these views and these feelings, and with this spirit, I go into the investigation of the cause of this war, the expenditure of so much money, the raising of so large and great a military force, and the breaking up of the repose of that general peace with which we have been so signally blessed for the last quarter of a century. This is the inquiry upon which I am about to enter; it is a grave and important inquiry, and one to which the attention of the people of this country should be directed; and I assert in my place, that the immediate cause of all these things, and the present unlooked for state of affairs, is properly chargeable upon the administration; for the advance movement of our troops, or 'army of occupation,' as it is called, from Corpus Christi, on the Nueces, to Matamoras, on the Rio Grande, into a territory, to say the least of it, well known to be in dispute between Texas and Mexico; this, I say, was the immediate occasion of hostilities; and if our army had been permitted to remain at Corpus Christi, where it had been since August last, there is no evi-

upon Mexican soil, and thus the war was commenced by Mr. Polk by an unconstitutional assumption of power. The question raised was one of the gravest character. The war-making power, as was justly asserted, is vested by that instrument in *Congress*, and not in the *Executive*. It therefore becomes an important inquiry in these pages to ascertain where was the boundary of Texas at the time she was admitted into the Union.* If the

dence or reason to believe that there would have been any outbreak between our people and the Mexicans, upon the frontier. This is my first proposition in considering the cause of this war, which I trust I shall be able to make perfectly clear; and then I trust I shall be able to make it appear equally clear, that that step was unnecessary for any of the legitimate purposes for which the army was sent to Texas; also, that it was improper, under the circumstances, as being calculated to irritate and provoke hostilities; and farther, that it was a step which the President was not clothed with the proper power legally and rightfully to take, without authority from Congress."—*Speech of Mr. Stephens of Georgia.*

* Much valuable information is contained in the letter of Hon. Volney E. Howard at the commencement of the 1st Session of the 31st Congress. Representing the country which borders upon the Rio Grande in Congress, he has been enabled to group together many facts with regard to the boundary of Texas. I give below an extract from it.

"The claim of Texas to the whole Rio Grande, from its mouth to its source, and to the 42d degree of north latitude, will never, be contested by any intelligent lawyer who takes the trouble to investigate the grounds upon which it rests. There is no greater fallacy than that of supposing that the United States succeeded to the rights of Mexico in any portion of the territory east of the Rio Grande. Between the Republic of Texas and the United States, the question of boundary was settled finally and conclusively by the Convention of 1838, which received the sanction of the legislative departments of both Governments. The treaty with Spain of 1819. fixed the northern boundary between Spain and the United States at the 42d parallel of latitude. The treaty of 1828 revived that boundary between the United States and Mexico, reciting that the treaty of 1819 was binding upon Mexico. The Convention between Texas and the United States, of 1838, recited that the treaty with Mexico of 1828, 'is binding upon the Republic of Texas, the same having been entered into

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Rio Grande was the western limit of that State, it is an undeniable fact that the President, as the Commander-in-Chief of the army, had a right to order

at a time when Texas formed a part of the said United Mexican States. And whereas, it is deemed proper and expedient, in order to prevent future disputes and collisions between the United States and Texas in regard to *the boundary between the two countries as designated by the treaty*, that a portion of the same should be run and marked without unnecessary delay,' &c. This Convention was ratified and carried out by the act of the United States Congress of January 11, 1839, under which the eastern boundary of Texas was actually run and marked by the two Governments as far as the 34th degree of north latitude. The very act under which this Convention was negotiated upon the part of Texas, was her boundary act of 1846, by which her boundary is declared to be the Rio Grande to its source; and thence to the 42d degree of north latitude; and thence east and south according to the boundary formerly existing between the United States and Mexico. This Convention was an express recognition of the entire boundary of Texas, and made with reference to the act of the Texas Congress of 1836. Whatever might have been its effect upon Mexico, this Convention is for ever *conclusive* of the boundary as against the United States, by an act as solemn as a treaty stipulation.

"The Texas act of boundary, together with other laws not inconsistent with the constitution of the United States, the resolutions of annexation, or the constitution of the State, was declared in force by the constitution under which she was admitted into the Union, and therefore ratified by the Congress of the United States.

"Texas was admitted into the Union with specified boundaries, subject only to the right of the United States to settle 'all questions of boundary which may arise with other Governments'—meaning, of course, Governments other than the United States. This was a naked power, coupled with no interest, which must be strictly construed. Under it the Texas boundary, with any foreign Government, might have been settled. But as the late treaty with Mexico removed the possibility of such a question with any *other* Government, the power is at an end. Neither could the United States, thus acting as the trustee of Texas to settle the boundary with other Governments, acquire of any Government a right in opposition to the claim of Texas. To assert such a proposition, is to affirm that the trustee may acquire the subject-matter of the trust, in opposition to the beneficiary; or that the judge or arbitrator may adjudge the subject of controversy to himself, in opposition to the parties litigant. It is evident that whatever right the United States acquired under the treaty with

it to the banks of that river. If, on the contrary, the Nueces was the boundary of Texas, the powers of Congress were encroached upon when General

Mexico to the country east of the Rio Grande, was acqui[illegible]s the trustee of Texas, and enures to the benefit of that State.

"The United States, having neglected to settle the boundary in the treaty with Mexico, have now no constitutional power to change or alter the boundary of Texas, any more than that of any other sovereign State. It was admitted in the case of Maine, that this Government, without the consent of Maine, could not negotiate for less than the *claim* of Maine. In his remarks on the resolutions of annexation, in the Senate, February 5th, 1845, Col. Benton said: 'In fact, when once admitted as a State, she (Texas) never can be reduced without her consent. The Constitution forbids it.' Having given her consent to the alteration only in a particular manner, it cannot be effected in any different method.

"The joint resolutions of annexation evidently intended that the whole of New Mexico on the east bank of the Rio Grande should be embraced within the State of Texas, because they give three guarantees applicable to this very country: 1. That Texas may be subdivided into five States. 2. That in any State south of 36° 30′ (the Missouri compromise line), slavery may exist at the option of the people of the same. 3. That in any State or States to be formed north of that line, Slavery is prohibited. Now, the Missouri compromise line divides the country formerly comprised in New Mexico, east of the Rio Grande, nearly centrally—Santa Fé being situated in about latitude 35° 45′ north. It is incomprehensible that the Congress of the United States should have thus provided for the domestic government of this very territory, as a part of Texas, if it was in Mexico and not in Texas. By what right could the United States, in a compact with Texas, assume to regulate the government of a department of Mexico, and make rules for its admission as a State into the American Union? The resolutions of annexation, *in terms*, define the boundaries of Texas to the extent of one or more States north of 36° 30′. They assert expressly that to this extent the country rightfully belongs to Texas, and is included within her limits. And the limit of one State, thus given, will include the whole of New Mexico east of the Rio Grande. There is a fourth guarantee given by the compact of annexation, as applicable to this territory east of the Rio Grande. If a new State is not formed wholly to the north of 36° 30′, slavery exists in Texas to the 42d degree of north latitude. It exists at present under the constitution with which the State was admitted into the Union. When Texas was admitted, by her law slavery existed to her utmost extent, and no restraint

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Taylor was ordered to Corpus Christi, and the whig party, who pretend to be the conservators of the constitution, were not themselves entirely guiltless

was placed upon it by the resolutions of annexation, but the prospective provision to operate in case a State was formed north of 36° 30′. Nay, more; the resolutions give another guarantee, not only to Texas, but to her creditors, as applicable to this territory, in pledging her public lands to the payment of her public debt.

"The boundaries of Texas, as above-mentioned, were defined in the treaty with Santa Anna, which was a valid treaty, because he represented a Government not only *de facto*, but *de jure*—the federal constitution having been overturned, and the States reduced to departments; all of which, together with his authority, were ratified by the Congress of Mexico in 1835. Nor was the treaty affected by the fact that Santa Anna was a prisoner of war at the time of its execution, because it was executed by his generals who were not prisoners, and especially by Filisola, upon whom, by law and special appointment, the authority of the command and the faculties of chief devolved. The treaty was valid without the signature of Santa Anna; and Mexico having acted on it, and received the benefit of its stipulations, could not, under the law of nations, repudiate it afterwards—certainly not without returning the property and military stores which were secured to her by the treaty.

"Mexico herself virtually acknowledged the boundary of the treaty by her truce of 1844, and ordered all the Mexican settlements a league beyond the Rio Grande to be broken up, and the inhabitants to fall back on the Rio Grande—treating all as traitors found beyond that line, at least on the lower Rio Grande. The Mexican Commissioners who negotiated the present treaty, have admitted that the Rio Grande had been indicated as the boundary for twelve years. The American Commissioner, Mr. Trist, in his correspondence with the Mexican Government, asserted the boundaries of Texas as claimed by herself. It is fair to presume that Mexico intended to provide for the treaty of 1836 with Texas, by making Disturnell's map of 1847 a part of the treaty, and declaring it authentic; which map shows the whole of the country east of the Rio Grande to be in Texas and New Mexico, as defined by the map, entirely situated west of that river. Thus the New Mexico, acquired by the United States, is defined as situated west of the Rio Grande by the treaty. Mexico has transferred nothing east of that river. She admitted by the map that she owned nothing on that side of the Rio Grande at the time of the ratification of the treaty.

"I trust that the rights of Texas in Santa Fé will be speedily ad-

in thus tamely submitting to an assumption of their constitutional rights. Long before the Mexicans crossed the Rio Grande and commenced an assault upon our forces, Mr. Polk had apprised Congress, in the usual form, in his message of December, 1845, that he regarded the Rio Grande as the western boundary of Texas,* and yet no word of denial was uttered by those who subsequently assailed his conduct with so much bitterness, until after a collision had occurred between the armies of the two republics. In addition to this assertion of Mr. Polk, made in a message of the President of the United States to the assembled representatives of the American people, he communicated "with the accompanying documents," the still more explicit language of the Secretary of War.† Our Minister,

mitted, for nothing short of this will avoid a serious collision with her authorities."

* "The jurisdiction of the United States, which, at the formation of the Federal Constitution, was bounded by the St. Mary's on the Atlantic, has passed the capes of Florida, and been peacefully extended to the Del Norte."—*Message of Mr. Polk, Dec.* 1845.

† "Pursuant to your directions, an army of occupation was assembled in that State, and Brigadier General Taylor assigned to the command of it. He was instructed to repel Mexican aggressions, and to protect the country from Indian invasions; to regard the Del Norte as the western boundary; to select a position for his forces with reference to this frontier, but to leave unmolested Mexican settlements, and also military posts, should there be any such posts on the east bank of that river which were in the occupation of Mexican forces previously to the period when Texas assented to the terms of annexation." Should Mexico deny our right to possess the country up to the Del Norte to the extent justly claimed by Texas before annexation, and the free common use of the waters of that river, it is presumed that authority will be given to enforce it in both respects. In the event of resistance, there may be occasion to employ an additional force, and authority should be given for raising it in that contingency. In a more desirable state of our relations with Mexi-

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Mr. Donalson, assured all parties in Texas that our Government would sustain the claim of that country to the Rio Grande, as her western boundary.*

After all these declarations were communicated to Congress, under the highest official responsibility, why did not the whig party raise their voices against these assumptions upon the part of the Executive? Weeks and months elapsed, but still no serious attempt was made to arrest what they subsequently declared to be the usurpations of the President, until blood had been spilt upon the banks of the Rio Grande. And then, when war actually existed, and our gallant soldiers were sustaining against overwhelming numbers the honor of our flag, it was left to Members of Congress to make use of an *after-thought*, in order to assail the administration.

The basis of the accusations against Mr. Polk were, that he had ordered the army to march upon disputed territory. This was true, for our title to the *whole* of Texas, not only to the Nueces, but to the Sabine, was disputed by the Mexican authorities. They made no distinction between the eastern and western part of Texas, and whenever they spoke of re-conquering that country, it was upon the western bank of the Sabine that the Mexican

co, her unsettled political condition will suggest, as a wise precaution, the guarding of that frontier by a considerable body of troops."

* "But whilst from such views I encouraged no aggressive movement on the part of Texas, to take forcible possession of the Rio Grande, I have, nevertheless, omitted no opportunity of satisfying all parties here that the United States would, in good faith, maintain the claim, and that I had every reason to believe that they would do so successfully."

banner was to be planted. If, then, the act of ordering our army to march upon disputed territory was unconstitutional, the crime of which the President was accused, was consummated the moment the stars and stripes were unfurled within the borders of Texas. The threatened impeachment of the President should have been proclaimed at that time; and those who have proved so sensitive at what they pronounced an usurpation of power on the part of the President, were certainly not wholly guiltless themselves. But admitting that Mexico had a claim to the country between the Nueces and Rio Grande, Mr. Polk was not without a precedent in ordering General Taylor to take possession of it.*

* "Among the events growing out of the state of the Spanish monarchy, our attention was imperiously attracted to the change developing itself in that portion of West Florida, which, though of right appertaining to the United States, had remained in the possession of Spain, awaiting the result of negotiations for its actual delivery to them.

"The Spanish authority was subverted, and a situation produced exposing the country to ulterior events which might essentially affect the rights and welfare of the Union. In such a conjuncture I did not delay the interposition required for the occupancy of the territory west of the river Perdido, to which the title of the United States extends, and to which the laws provided for the territory of Orleans are applicable. With this view the proclamation, of which a copy is laid before you, was confided to the Governor of that territory to be carried into effect. The legality and necessity of the course pursued, assure me of the favorable light in which it will present itself to the Legislature, and of the promptitude with which they will supply whatever provisions may be due to the essential rights and equitable interests of the people thus brought into the bosom of the American family."

"From the inclosed proclamation of the President of the United States, you will perceive his determination to take possession of the territory therein specified, in the name and behalf of the United States."

"Considering, finally, that the acts of Congress, though contemplating a present possession by foreign authority, have contemplated also an even-

The right to take possession of disputed territory dates at a still earlier period of our country's history, and has the sanction of a still more commanding authority.* Subsequently to the treaty of

tual possession of the said territory by the United States, and are accordingly so framed as in that case to extend their operation to the same, now be it known that I, James Madison, President of the United States of America, in pursuance of these weighty and urgent considerations, [not, as usual, by virtue of the authority vested in me,] have deemed it right and requisite that possession should be taken of the said territory in the name and in behalf of the United States."—*Message of President Madison, Dec.* 10, 1810. [3 *Foreign Relations*, p. 337.]

* From every account, the enemy amounted to two thousand combatants; the troops actually engaged against them were short of nine hundred. This horde of savages, with their allies, abandoned themselves to flight, and dispersed with terror and dismay, leaving our victorious army in full and quiet possession of the field of battle, which terminated under the influence of the guns of the British garrison, as you will observe by the inclosed correspondence between Major Campbell, the commandant, and myself upon the occasion."—*Official Letter of General Wayne to the Secretary of War, August 28th*, 1794.

CORRESPONDENCE BETWEEN MAJOR-GENERAL WAYNE, AND MAJOR WILLIAM CAMPBELL.

No. I.

"MIAMIS RIVER, *August* 21, 1794.

"SIR: An army of the United States of America, said to be under your command, having taken posts on the banks of the Miamis for upwards of the last twenty-four hours, almost within reach of the guns of this fort, being a post belonging to his Majesty the King of Great Britain, occupied by his Majesty's troops, and which I have the honor to command, it becomes my duty to inform myself, as speedily as possible, in what light I am to view your making such near approaches to this garrison.

"I have no hesitation on my part to say, that I know of no war existing between Great Britain and America.

"I have the honor to be, sir, with great respect, your most obedient and very humble servant, "WILLIAM CAMPBELL,

"Major 24th Reg. commanding a British post on the banks of the Miamis.

"To *Major-General Wayne*, &c. &c. &c."

peace of 1783, between this country and Great Britain, contrary to its provisions, the former power retained possession of several forts upon the frontiers, from which they instigated the savages to wage hostilities against the United States. Washington was annoyed by the incursions of the Indians. Harmer and St. Clair had been successively defeated. In 1794, our forces in the northwest were placed under the command of "mad Anthony Wayne," who, on the 28th of August, 1794, defeated the allied Indians and the British, under the guns of a fort in possession of the English; Wayne then ravaged the possession of Colonel McKee, the British Indian agent, and which was in disputed territory, actually in the occupancy of the British troops.

No. II.

"CAMP ON THE BANK OF THE MIAMIS, *August 21st*, 1794.

"SIR: I have received your letter of this date, requiring from me the motives which have moved the army under my command to the position they at present occupy, far within the acknowledged jurisdiction of the United States of America.

"Without questioning the authority, or the propriety, sir, of your interrogatory, I think I may, without breach of decorum, observe to you, that were you entitled to an answer, the most satisfactory one was announced to you from the muzzles of my small arms, yesterday morning, in an action against the horde of savages, in the vicinity of your posts, which terminated gloriously to the American arms; but, had it continued until the Indians, &c., were drove under the influence of the post and guns you mention, they would not have much impeded the progress of the victorious army under my command, as no such post was established at the commencement of the present war between the Indians and the United States.

"I have the honor to be, sir, with great respect, your most obedient, and very humble servant,

"(Signed) ANTHONY WAYNE,

Major-General and Commander-in-Chief of the Federal Army.

"To *Major William Campbell*, &c. &c."

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This conduct upon the part of General Wayne, was sustained by General Washington.

I reiterate the fact, that Mexico made no distinction between the country lying east and west of the Nueces. They claimed the whole of Texas, as a revolted province, when they were mustering their troops upon the banks of the Rio Grande, with the avowed determination of reconquering that country. What, under the circumstances, was the proper course for the administration to pursue? Were plighted faith and pledged honor to be disregarded? Were the Mexicans to be allowed to cross the Rio Grande, and re-enact the bloody scenes which characterized their progress before the fatal defeat at San Jacinto? The President had the right to lead our forces in person, to the uttermost limit of the Texan territory. The question in dispute could be settled by one of two methods—by negotiation or by force. The former we had tendered to Mexico after she had abruptly broken off all diplomatic intercourse. Our proposition was scornfully rejected, and she elected to decide the contest by the ordeal of battle. When this was known, it surely cannot be insisted that the Mexicans had a better right to take possession of disputed territory than the soldiers of the United States. The very fact of possession might have affected our title. Mexico might have claimed *that* possession as an evidence of the inability of Texas and the United States to enforce their claim to every part of the disputed territory.*

* It is evident from the correspondence of General Taylor with the

Mexican General Ampudia, that he regarded the territory between the Nueces and Rio Grande as American soil. "While this communication was in my hands, it was discovered that the village of Frontone had been set on fire and abandoned. I viewed this as a direct act of war, and informed the deputation that their communication would be answered by me when opposite Matamoras, which was done in respectful terms."—*Letter of General Taylor to General Ampudia, dated Matamoras, Texas, April* 22, 1846.

Frontone was situated *west* of the Arroyo Colorado. The burning of this village could not have been regarded by General Taylor as "a direct act of war" unless he considered it American territory.

He also stated to the Mexican general that the course pursued by the army under his command had been governed by a strict regard of justice and humanity. "I need hardly advise you that, charged, as I am, in only a military capacity, with the performance of specific duties, I cannot enter into a discussion of the international question involved in the advance of the American army. You will, however, permit me to say that the Government of the United States has constantly sought a settlement by negotiation of the question of boundary; that an envoy was dispatched to Mexico for that purpose; and that up to the most recent dates said envoy had not been received by the actual Mexican Government, if indeed he has not received his passports and left the republic. In the mean time I have been ordered to occupy the country up to the left bank of the Rio Grande, until the boundary shall be definitely settled. In carrying out these instructions I have carefully abstained from all acts of hostility, obeying, in this regard, not only the letter of my instructions, but the plain dictates of justice and humanity."—*Ib., April* 12, 1846.

"After all that has passed since the American army first approached the Rio Bravo, I am certainly surprised that you should complain of a measure, which is no other than a natural result of the state of war so much insisted upon by the Mexican authorities as actually existing at this time. You will excuse me for recalling a few circumstances to show *that this state of war has not been sought by the American army, but has been forced upon it*, and that the exercise of the rights incident to such a state cannot be made a subject of complaint."—*Ib., April* 22, 1846.

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CHAPTER VII.

Forward movement of the American troops.—The number and discipline of the American army.—General Taylor reaches Point Isabel.—Fort Brown erected.—The Mexicans cross the Rio Grande.—General Taylor moves from Fort Brown to Point Isabel.—Bombardment of Fort Brown.—Battle of Palo Alto.—Resaca de la Palma.—The action of Congress.—Reorganization of the army.—The object for which the war was prosecuted.—Difficulty with General Scott.—Requisitions made upon the Governors of several States for volunteers.—Plan of campaign.—Action of General Gaines.—General Taylor marches from Camargo in the direction of Monterey.—*Capture of Monterey.*—Internal affairs of Mexico.—Pass granted to Santa Anna.—General Wool marches upon Monclova.—General Kearney takes Santa Fé.—Colonel Doniphan advances upon Chihuahua.—Victory of Sacramento.—General Kearney starts for California.—Operations of Colonel Fremont and Commodores Sloat and Stockton. Orders issued to raise contributions from the Mexicans.—General Taylor advises the adoption of a defensive line.—Preparations made to attack Vera Cruz.—Civil Governments authorized by the President.—Movements of Colonel Price.

THE forward movement of the American troops from Corpus Christi to the Rio Grande was ordered, as suggested by General Taylor himself.* The rear

* "For these reasons our position thus far has, I think, been the best possible; but now that the entire force will soon be concentrated, it may well be a question whether the views of Government will be best carried out by our remaining at this point. It is with great deference that I make any suggestions on topics which may become matters of delicate negotiation; but if our Government, in settling the question of boundary makes the line of the Rio Grande an ultimatum, I cannot doubt that the settlement will be greatly facilitated and hastened by our taking possession at once of one or two points on or quite near that river. Our strength and state of preparation should be displayed in a manner not to be mistaken."—*Dispatch of General Taylor to the Secretary of War, dated at Corpus Christi, on the 4th of October*, 1845.

of the army left the former place on the 11th of March, 1846. It may be proper at this place briefly to examine into the numbers, state of discipline, and arms of the regular force of the United States. Much jealousy has been manifested by our citizens ever since the declaration of independence, of standing armies. A preference has always been exhibited for militia or volunteer troops; and although raw soldiers during the revolutionary struggle did not often prove as steady under fire as the continental line, still in the last war with Great Britain, and the more recent one with Mexico, the volunteers fought with a desperation which established beyond a doubt, that perfect reliance may be placed upon them in the fury of battle. It is true that they will not yield the same passive, uncomplaining obedience, which in the "regular" affords his commander so much delight; but that pride and emulation which stimulates the volunteer, will prompt him to avoid the dangers of a court-martial, while he fights with a degree of enthusiasm that is irresistible. The graduates of the military academy at West Point, during the conflict with Mexico, elevated the character of that institution to an extraordinary degree of renown. Before the war commenced, a strong prejudice prevailed throughout the country against it, and the opposition had become so decided, that it was in danger of being discontinued. It is now, however, established upon a firmer basis than ever, and if our main reliance in time of war is to be upon the volunteers, this only renders the preservation of that institution still more impera-

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tive. In the selection of their officers, the volunteers will almost invariably elect those persons who have obtained a regular military education, or by their experience are qualified to command. While, then, military education should be taught at West Point, perfect reliance may be placed in the volunteer force of the country in sustaining the honor of our flag. In 1845 the whole number of the regular army of the United States amounted to 7,883, many of whom were foreigners. General Taylor before leaving Corpus Christi had under his command about 3,500 men, and when he reached the Rio Grande his effective force was less than 3,000.

When the American troops arrived near the Rio Grande, they found the Mexicans prepared to assume offensive operations. On the 10th of April, 1846, Colonel Cross was murdered, and on the 18th of the same month Lieutenant Porter with a small body of men were taken prisoners after a desperate resistance, and were inhumanly butchered. On the 24th of April General Arista arrived at Matamoras, and informed General Taylor that he considered hostilities commenced, and that he should prosecute them.* On the 24th of the same month Captain Thornton, with a party of dragoons consisting of 63 men, became engaged with a very large force of the Mexicans, in which 16 were killed and wounded, and the rest were forced to surrender.† On the 26th of April General Taylor issued a call upon the Gover-

* Dispatch of General Taylor, April 26th, 1846, Executive documents, second Session, 29th Congress.

† Ibid.

nor of Texas for two regiments of mounted troops, and two of infantry, and upon the Governor of Louisana for four regiments of infantry, for the purpose of prosecuting the war with energy, and carrying it into the enemy's country.* On the 28th of April, 1846, the camp of Captain Walker was surprised, and five men were killed. A family of fourteen persons unarmed were taken prisoners, two of whom were females; their throats were cut, and after every indignity was perpetrated upon their persons, they were left exposed to the storms of heaven, and prowling beasts. On the 3d of May, although the enemy had made demonstrations on the east bank of the river, still, owing to the nature of the country, and the deficiency in the American army of light troops, General Taylor was kept ignorant of their movements.† He had received information that the Mexicans were preparing to cross the river below Fort Brown, with the object of forming a junction with those who had crossed the river above; and entertaining the belief that they designed making a descent upon his depot at Point Isabel, he hastened the operations on the field-work, and was enabled to prepare it for a successful defence on the 1st of May.‡ Leaving the 7th infantry under the command of Major Brown, with Captain Lowd's and Lieutenant Bragg's companies of artillery in charge of the work, General

* "Which will be required to prosecute the war with energy, and carry it, as it should be, into the enemy's country."—*Ibid.*

† Dispatch No. 32 of General Taylor, dated May 3d, 1846, at Point Isabel.

‡ Ibid.

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Taylor started with the main force under his command, for Point Isabel, where they arrived the next day, without discovering any signs of the enemy. On the morning, and during the day of May 3d, discharges of cannon were heard in the direction of Fort Brown; and General Taylor dispatched a squadron of cavalry, covering a small party to communicate with Major Brown.* The squadron returned on the morning of the 4th, without bringing news from the Fort; but on the 5th of May Captain Walker of the rangers arrived at Point Isabel, after running the gauntlet during the night before. This act of gallantry upon the part of Captain Walker deserves especial attention, as it exemplified the cool and daring courage of that celebrated ranger. When it was deemed important to communicate with General Taylor, Captain Walker volunteered to be the bearer of dispatches from Major Brown. Starting at night, with no other guide through the ranks of the enemy but the wind upon his cheek, he successfully accomplished the enterprise. From a dispatch brought by him, General Taylor ascertained that, on the morning of the 3d of May, the Mexican batteries opened upon Fort Brown, and the American guns were immediately manned and a fire was kept up from the six and 18-pounders, which resulted in dismounting several of the Mexican pieces. They continued, however, to fire upon the fort until 12 o'clock at night. On the 7th of May, General Taylor started on his return from Point Isabel, for the purpose of raising the

* Dispatch No. 32 of General Taylor, dated May 3d, 1846, at Point Isabel.

siege of Fort Brown, determined to fight the enemy in whatever force he might attempt to obstruct his progress.* On the 8th of May he encountered 6,000 of the enemy at the field of Palo Alto, and after an action of five hours repulsed them. The force under General Taylor did not exceed 2,300 men. What renders this battle somewhat remarkable is the fact, that although it lasted five hours, the loss of the Americans was only four men killed, and three officers and thirty-nine men wounded.†

* Dispatch of General Taylor, to the War Department, May 7th, 1846.

† "HEAD QUARTERS, ARMY OF OCCUPATION,
Camp near Palo Alto, *May* 9, 1846.

"SIR: I have the honor to report, that I was met near this place yesterday on my march from Point Isabel, by the Mexican forces; and after an action of about five hours, dislodged them from their position, and encamped upon the field. Our artillery, consisting of two 18-pounders, and two light batteries, was the arm chiefly engaged, and to the excellent manner in which it was manœuvred and served, is our success mainly due.

"The strength of the enemy is believed to have been about 6,000 men, with 7 pieces of artillery and 800 cavalry; his loss is probably at least 100 killed. Our strength did not exceed, all told, 2,300, while our loss was comparatively trifling; 4 men killed, 3 officers and 39 men wounded; several of the latter mortally. I regret to report that Major Ringold, 3d artillery, and Captain Page, 4th infantry, are severely wounded; Lieutenant Luther, 2d artillery, slightly so.

"The enemy has fallen back, and it is believed has repassed the river. I have advanced parties now thrown forward in his direction, and shall move the main body immediately.

"In the haste of this first report, I can only say, that the officers and men behaved in the most admirable manner throughout the action.

"I shall have the pleasure of making a more detailed report, when those of the different commanders shall be received.

"I am, sir, very respectfully, your obedient servant,

"Z. TAYLOR,
Brevet Brig. Gen. U. S. A., commanding.

"The ADJUTANT GENERAL of the Army,
Washington, D. C."

It is almost inconceivable, that so large a body of men should have been fighting in the open field, for that length of time, without doing more execution. The loss of the Mexicans was estimated at more than 200. The artillery was the arm principally engaged, and fully sustained the high reputation of those who had devoted so much time to its perfection. Major Ringold of the flying artillery was mortally wounded; but his death was terribly revenged by Duncan, Ridgely and their comrades, who fought with an enthusiasm that carried havoc and dismay into the ranks of the enemy.

The American army encamped upon the field of battle, and a council of war was called to determine whether they should advance, or act upon the defensive. A majority was in favor of the latter course; but the commanding general, sustained by the advice of Belknap, Duncan, and others, determined to force his way to Fort Brown. In the mean time, Arista was reinforced by a body of 2,000 troops, thus making his force amount to about 8,000. At 2 o'clock on the 9th of May, General Taylor advanced along the Matamoras road,* and when he approached Resaca de la Palma, he found a ravine which crossed the road, lined with the artillery of the enemy. Taylor directed a battery of field artillery to assail the position, and the fire of artillery and small arms was continued, until the batteries of the Mexicans were carried by the infantry and dragoons, and they were pursued to the

* Dispatch of General Taylor to the War Department, May 9th, 1846.

river. Seven pieces of artillery, a large quantity of ammunition, three standards, and about 100 prisoners, including General La Vega, were captured. The loss of the Americans was 39 killed and 82 wounded. The loss of the Mexicans in the two battles has been estimated at 1,000 men. Although great bravery was exhibited by the infantry and dragoons, still the gallantry of the artillerymen was conspicuous. They fought with a reckless, yet systematic daring, which claims our highest admiration; wherever the dark masses of the enemy were preparing to advance, they were quickly met by the flying artillery, and the storm of grape and canister never failed to drive them back in disorder. One instance is related of chivalrous devotion, which, in the army of Bonaparte would have won a high position. When Captain May, who had been occupying the position of the "black sluggard," was somewhat peremptorily ordered by Taylor to charge a Mexican battery, he was arrested in full career by Ridgely, who called out "stop, Charley, let me draw their fire;" and the grape and canister from Ridgely's battery were quickly responded to; and although the saddles of many of the dragoons were emptied by the fire of the Mexican infantry, yet the remainder dashed over empty guns.

The news of these two victories quickly spread throughout the United States, and startled the inhabitants of each city and hamlet throughout the land. The intelligence produced a deep sensation at Washington, where the American Congress was then in session. The threats which had often been

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made by the Mexicans to wash out with blood the stain upon their national character, by what they called a dismemberment of their territory, had now been attempted. They had crossed the Rio Grande, and upon two fields they had encountered the American army. The war had commenced, and it devolved upon Congress to devise the means for its energetic prosecution. The regular army in April, 1846, was 7,244, and the force on the Texas frontier in May, present and absent, was 3,554.*

With this small body of men, it was not to be expected that we could encounter successfully 8,000,000 of people upon their own soil, and by the act of the 13th of May, 1846, the President was authorized to call into the field 50,000 volunteers, to serve for one year, or during the war; and an appropriation was made for the purpose of carrying it into effect. The preamble to that act has been made the subject of much discussion in Congress and elsewhere. It declared that "whereas by the act of the Republic of Mexico war exists," &c. The opposition members of Congress distinctly charged that the war was brought on by the unconstitutional order given by Mr. Polk for the concentration of our troops upon the Rio Grande; but I have already shown the fallacy of that assumption. It was nevertheless entertained, and although the whigs were disposed to vote for an appropriation of money and the raising of men for the purpose of relieving General Taylor, still they made strenuous

* Report of the Adjutant-General to the War Department, April 5th, 1848.

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exertions to strike the preamble from the bill. This they were unable to do, and upon its passage, they all voted for it with the exception of fourteen members of the House, and two or three Senators.* It had been insisted that those members of the opposition who voted for the bill, were estopped from subsequently denying that Mexico commenced the war. The position which they occupied was an exceedingly delicate one. They had to adopt one of two alternatives; either to vote for the preamble, which they declared was untrue, or to vote against the bill. They did not choose to place themselves upon the record as voting against granting supplies; although the prosecution of a war unjustly commenced by us, can hardly be reconcilable with the doctrines of the Bible or the precepts of morality. The course pursued by those who voted against the bill, was consistent with the declaration that the war was unjust, and they have had far less difficulty in reconciling their assertions and their votes, than those who declared the war was wrongfully commenced, yet abused Mr. Polk because it was not more vigorously prosecuted.

The course pursued by the opposition members of Congress with regard to the origin and prosecution of the war, was very inconsistent. Scarcely did the collision of arms take place upon the Rio Grande, before they denounced the course pursued by the Executive as unauthorized and unconstitutional; and a portion of them opposed its prosecution, and voted against supplies throughout the con-

* See Congressional Globe, first session 29th Congress.

test, while the remainder violently assailed the administration because the war was not prosecuted with more vigor. Although it was the general impression after each battle, that the Mexicans would conclude a peace, still those members gave frequent expression to their indignation because more men were not called into the field, that each victory might immediately be followed by a forward movement. Those members, who had denounced the conduct of the President because he had "commenced an unconstitutional war," and who had with extreme bitterness assailed him because that war had not been prosecuted with more energy; at a later period in the struggle, voted to lay upon the table a resolution, declaring that it was inexpedient for our army to retreat from the positions which they had won in Mexico, for the purpose of falling back upon a defensive line.* This resolution was laid on the table upon the motion of Mr. Stephens, of Georgia, by a vote of 96 to 89. All who voted to lay the resolution on the table were whigs, and all who voted against it were democrats.

After the war with Mexico was recognized by the Congress of the United States, it remained to be seen whether the ranks of the army could be filled by volunteers. A feeling of indignation was aroused from Maine to Texas, that Mexicans, who had so frequently violated their most solemn treaty sti-

* Mr. Chase offered the following resolution: "*Resolved*, that it is inexpedient to order our troops to retreat from the positions which they have gallantly won in Mexico, for the purpose of falling back upon a defensive line."—*Congressional Globe*, 1*st session*, 30*th Congress*, p. 179.

pulations, should consummate their folly by the invasion of our territory; and the alacrity with which our people responded to the call upon their patriotism, proved at once that they would defend the honor of our country, by whatever nation assailed; and the ardor with which they rushed to the field, proved them the most warlike people of the age. herever was unfurled the stripes and stars, and ever was heard the roll of the drum, there were gathered the volunteers of every age and condition; and where only 50,000 volunteers were authorized, 500,000 gallant spirits responded to the call. The spectacle witnessed, was literally that of a *nation* in arms. The organization of the volunteers was promptly attended to by the President; and for this purpose officers were appointed, who subsequently distinguished themselves. Two Major-Generals were commissioned—Butler and Patterson; and eight Brigadiers—Lane, Smith, Hamer, Quitman, Pierce, Cadwallader, Pillow, and Shields.

The President of the United States promptly availed himself of the authority granted by Congress for the purpose of prosecuting the war vigorously against Mexico. He had several times announced to Congress that the war was not waged with a view to conquest, but for the purpose of obtaining an honorable peace, and thereby to secure ample indemnity.* This language may be re-

* "The war has not been waged with a view to conquest; but having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the

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garded as rather equivocal. It is difficult to conceive how indemnity could be obtained from Mexico in any other way, than by that which a subsequent message of Mr. Polk expressed to be a dismemberment of the Mexican territory.*

That the attention of the administration was at an early day directed to the acquisition of California, there can be no doubt. Confidential instructions were issued from the Navy Department to Commodore Sloat as early as June 24th, 1845, in which it was intimated that hostilities would ensue. Sloat was directed particularly to avoid any act of aggression, but in case Mexico should declare war against us, he was directed to employ the force under his command to the best advantage.† This

war, as well as to our much injured citizens, who hold large pecuniary demands against Mexico."—*Message of President* POLK, *December*, 1846.

* "The extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past, and the brilliant achievements and signal successes of our arms will be a guarantee of security for the future, by convincing all nations that our rights must be respected." —*Message of* Mr. POLK *to Congress*, *July 6th*, 1848.

† "Should Mexico, however, be resolutely bent on hostilities, you will be mindful to protect the persons and interests of citizens of the United States near your station, and should you ascertain beyond a doubt that the Mexican Government has declared war against us, you will at once employ the force under your command to the best advantage. The Mexican ports on the Pacific are said to be open and defenceless. If you ascertain with certainty that Mexico has declared war against the United States, you will at once possess yourself of the port of San Francisco, and blockade or occupy such other ports as your force may permit.

"The great distance of your squadron, and the difficulty of communicating with you, are the causes for issuing this order. The President hopes most earnestly that the peace of the two countries may not be disturbed. The object of these instructions is to possess you of the views of the Government, in the event of a declaration of war on the part of Mexico against the United States—an event which you are enjoined to do

order was followed by the expedition under General Kearney. I do not make these observations for the purpose of condemning the object which the Cabinet desired to accomplish; on the contrary, to acquire "indemnity for the past and security for the future" is perfectly justifiable, and especially where a war is forced by a perfidious people upon us. And under all circumstances, the avowal should have been boldly made that we prosecuted a war of *conquest*, if necessary, for the purpose of accomplishing that result. If that had been done, an obstinate enemy would soon have been brought to terms, when they ascertained that the longer the contest was protracted the greater indemnity would be demanded.

The energy which the President always displayed, did not fail him in the prosecution of the war, and what was regarded as the dilatory movements of General Scott, produced a personal interview between the Secretary of War and the Commander-in-chief of the army. The result of this conference seems to have given offence to General Scott, and produced from him a letter which excited much ridicule, and caused mingled feelings of sorrow, surprise, and indignation. To receive the command of the army in person, as was subsequently exemplified, could but add new laurels to those he had already won. The secret of his proving so sensitive has been ascribed to his aspiration for political honors. If that was the correct solu-

every thing consistent with the national honor, on your part, to avoid."—*Letter of* Mr. BANCROFT, *to Commodore Sloat, June 24th, 1845.*

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tion of the difficulty, it is strange that a person so conscious of the influence which military achievement exercises over the American people as General Scott must be, should hesitate to place himself at the head of the army, for the purpose of adding fresh brilliancy to that reputation which in early life immortalized his name. There was no necessity "to protect himself from a fire in his rear from Washington."* The administration could have no motive whatever in embarrassing the movements of the Commander-in-Chief. He ought to have been satisfied that his own success would add to the reputation of the administration, and that the defeat of the army would prove as disastrous to the Cabinet as to himself. As it was, the course which he thought proper to pursue in a moment of error, resulted in the withdrawal of the leadership of the army which had been tendered. It required the effect produced by his brilliant campaign in Mexico, to eradicate the unfavorable impression produced upon the minds of the American people by his letter to the Secretary of War.

Under the act of May 13th, 1846, requisitions were immediately made upon the Governors of the States of Arkansas, Mississippi, Alabama, Georgia, Tennessee, Kentucky, Missouri, Illinois, Indiana, Ohio, and Texas, for a volunteer force amounting to twenty-six regiments, which, with a battalion from the District of Columbia and the State of Maryland, numbered in all about 23,000 effective men, to serve for the period of twelve months, or

* Letter of General Scott to the Secretary of War, May 21st, 1846.

to the end of the war. A large portion of this force was placed under the command of General Taylor, who had made the Rio Grande the base of his operation.* The plan of operations designed by the administration, was to attack Mexico in several directions. Taylor was to advance in the direction of Monterey; General Wool was to march from Antonio De Bexar, in the direction of Chihuahua; and General Kearney was to assemble the volunteers from the State of Missouri, and a few hundred regular troops at Fort Leavenworth, and make a descent upon Santa Fé, and from thence with a portion of his command was to advance rapidly upon California. Any one, by glancing at a map, will at once discover the comprehensiveness of this plan. The advance of General Taylor and General Wool into that portion of the Mexican territory, would be calculated to convince the Mexicans of the importance of re-opening negotiations, whilst the expedition under General Kearney would obtain possession of that portion of Mexico which it was desirable to retain.

Before General Taylor took his departure from Camargo, considerable embarrassment was experienced for the want of transportation and supplies for so large a force. These difficulties were made the subject of complaint by General Taylor.† This

* Report of the Secretary of War, December 5th, 1846.

† "HEADQUARTERS, ARMY OF OCCUPATION,
CAMARGO, *September 1st*, 1846.

"SIR: Before marching for the interior, I beg leave to place on record some remarks touching an important branch of the public service, the proper administration of which is indispensable to the efficiency of a cam-

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dispatch was referred by the War Department to the Quartermaster General, Thomas S. Jesup.* The complaints of General Taylor were triumphantly

paign. I refer to the quartermaster's department. There is at this moment, when the army is about to take up a long line of march, a great deficiency of proper means of transport, and of many important supplies.

"On the 26th of April, when first apprising you of the increased force called out by me, I wrote that I trusted the War Department would 'give the necessary orders to the staff department for the supply of this large additional force;' and when first advised of the heavy force of twelve months' volunteers ordered hither, I could not doubt that such masses of troops would be accompanied, or preferably preceded, by ample means of transportation, and all other supplies necessary to render them efficient. But such has not been the case. Suitable steamboats for the Rio Grande were not procured without repeated efforts directed from this quarter, and many weeks elapsed before a lodgment could be made at this place, the river being perfectly navigable. After infinite delays and embarrassments, I have succeeded in bringing forward a portion of the army to this point, and now the steamers procured at Pittsburg are just arriving. I hazard nothing in saying that if proper foresight and energy had been displayed in sending out suitable steamers to navigate the Rio Grande, our army would long since have been in possession of Monterey.

"Again, as to land transport. At this moment our wagon train is considerably *less* than when we left Corpus Christi—our force being increased *fivefold*. Had we depended upon means from without, the army would not have been able to move from this place. But fortunately the means of land transport existed to some extent in the country in the shape of pack-mules, and we have formed a train which will enable a small army to advance perhaps to Monterey. I wish it distinctly understood, that our ability to move is due wholly to means created here, and which could not have been reckoned upon with safety in Washington.

"I have adverted to the grand points of water and land transportation. Of the want of minor supplies the army has suffered more than enough. The crying deficiency of camp equipage has been partially relieved by the issue of cotton tents of indifferent quality. Our cavalry has been paralyzed by the want of horse-shoes, horse-shoe nails, and even common blacksmith's tools, while many smaller deficiencies are daily brought to my notice.

"I respectfully request that the above statement, which I make in jus-

* Letter of the Secretary of War to General Jesup, Sept. 21, 1846.

answered by the Quartermaster General.* Being, at the time he answered the charges of General Taylor, near the scene of operations, and at the

tice to myself and the service, may be laid before the General-in-chief and Secretary of War.

"I am, sir, very respectfully, your obedient servant,

"Z. TAYLOR,

Major General U. S. A. commanding.

"The ADJUTANT GENERAL of the Army,
Washington, D. C."

* "NEW-ORLEANS, *December 5th*, 1846.

"SIR: When I received your letter of the 21st of September, on the subject of Major General Taylor's complaints, I was apprehensive that neglect or omissions had occurred on the part of some one or more of the subordinate officers of the department, by which his operations had been seriously embarrassed; but I have looked into the whole matter, and I am bound in justice to say that no class of officers, not even General Taylor and the most distinguished men around him, have better or more faithfully performed their duty; and if any thing has been wanting which they could have supplied, it has been because the proper orders were not given, or timely requisitions made.

"In conducting a war, it is the duty of the Government to designate the object to be accomplished: it is then the duty of the General who conducts the operations, to call for the means required to accomplish that object. If he fail to do so, he is himself responsible for all the consequences of his omission. General Taylor complains of want of water and land transportation, camp equipage, and shoes for his cavalry horses. As to water transportation, I find that he called for a single light-draught steamer early in May. Lieutenant Colonel Hunt could not at once obtain a suitable boat, but he executed the order as soon as it was possible. Late in May, or early in June, General Taylor considering four boats necessary, appointed his own agents to obtain them. I was at the time engaged in taking measures, under the orders of General Scott, to obtain suitable boats for the navigation of the Rio Grande; but having no reliable information in relation to the navigation of that river, and believing General Taylor's agents possessed of the requisite knowledge, I preferred that they should execute his orders; and I limited my action in the matter to doubling the number called for by General Taylor; and authorizing a further increase if considered necessary by his brother and one of his agents. The number required by the General was, I believe, nearly quadrupled ultimately by the officers of the department. As to the com-

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place through which most of the supplies passed, General Jesup could speak understandingly upon the subject. He declared he was bound in justice

plaint of the General that the steamers from Pittsburg were then (September 1st), just arriving, it is proper to state that these were the very boats procured by one of his own agents. When at Pittsburg I inquired into the delay of those boats, and it is but justice to Captain Sanders, General Taylor's agent, to say that no effort was spared to get them into service as early as possible.

"As to the complaint in regard to the want of land transportation, it is proper to remark that there was no information at Washington, so far as I was informed, to enable me or the War Department to determine whether wagons could be used in Mexico. General Taylor, though he had both mounted troops and topographical engineers, had not supplied the want of that information. Besides, he had not, as far as I know and believe, intimated to any department his intentions or wishes in regard to the means of transportation to be used. It was known that he had a wagon train, amply sufficient for double the force he commanded before the arrival of the volunteers. Added to that, he had General Arista's means of transportation; and he was in a country abounding in mules—the means of transportation best adapted to the country, and the only means used by the enemy. A general is expected to avail himself of the resources of the country in which he operates. If General Taylor failed to do so, and was without the necessary transportation, he alone is responsible. Those means were limited only by his own will. He had officers of the Quartermaster's Department able to have executed his orders, and willing to carry out his views: his authority alone was wanting.

"As to the camp equipage, you are aware that the appropriation which I asked for last year was stricken out, and that not a cent was appropriated, which could be legally applied to that object, before the 9th and 13th of May. When the appropriations were made, the officers of the department were compelled to obtain materials wheresoever they could get them, and such as they could get. Cotton cloth was necessarily substituted for linen in the fabrication of tents. I have no doubt a great deal of the material was of the quality represented by General Taylor; but that was, under the circumstances, unavoidable. The officers obtained the best they could get, and deserve credit for their exertions, in place of the censure they have received.

"I am somewhat at a loss to imagine why the deficiency of shoes for the dragoon horses was made a subject of complaint against the Quartermaster's Department. A blacksmith is allowed by law to every troop of

to say that no class of officers, not even General Taylor, and the most distinguished men around him, had better or more faithfully performed their duty than the officers of his department; and that if any thing had been wanting which they could have supplied, it was because the proper orders were not given, or timely requisitions made. Any one who will read the letter of General Jesup, will come to

dragoons. It is the duty of every commander of a troop to have his shoeing tools complete, and to have at all times the necessary shoe and nail iron; and it is the duty of the regimental commander to see that timely requisitions be made. Now, if those officers failed to have what was necessary to the efficiency of their commands, let General Taylor hold them accountable. The Quartermaster's department is not responsible for their neglects.

"As I came through the western country to this city, I was informed that a report was circulating that General Taylor would have taken forward to Monterey a much larger force of volunteers, but for the neglect of the Quartermaster's department to furnish the means of transportation. In reply to that report, I respectfully ask your attention to the letter of General Taylor of the 2d of July to the Adjutant General. There he tells you, through that officer, that he proposes to operate from Camargo to Monterey: he tells you that he will operate with a column of about 6,000 men: that he must rely on the country for meat, and dépôt at Camargo for bread; and adds, as the reason for not taking a greater force, that a column exceeding six thousand men cannot be supplied on that route with bread alone.

"I feel, sir, that every officer of the department has performed his duty faithfully, if not ably, and that the charges of General Taylor are both unjust and unmerited. As regards myself, I feel that I have performed my whole duty, both to the country and to the army; and if the slightest doubt remain on that subject, I owe it to myself to demand an immediate and thorough investigation of my conduct, and that of the department, from the commencement of operations on the Texan frontier, as well previous to as during the war.

"I am, sir, most respectfully, your obedient servant,

"TH. S. JESUP,
Major General, Quartermaster General.

"The Hon. Wm. L. Marcy,
Secretary of War, Washington City."

the conclusion, that the embarrassments of which General Taylor complained, were the result of a failure on his part to make the necessary demands, or were to be attributed to the conduct of the agents he had selected himself.

Another source of annoyance to the administration was the unauthorized conduct of General Gaines, at that time in command of the Southwestern division. He sent forward volunteers to Texas, in number considerably, exceeding the call made by General Taylor, for that description of force.* The call of General Gaines was recognized to the extent of the number of volunteers sent to the Rio Grande, up to May 28th, 1846. The motives of that officer no one was prepared to call in question; but from his advanced age, he was not in a condition to decide with as much judgment as he once possessed, as to the real necessities of the case. His action caused the War Department much embarrassment.† He called out and mustered into service, troops not comprised in the demand of General Taylor, on Louisiana and Texas. Volunteers from Alabama and Missouri, who had left those States before the call of General Gaines could be countermanded by the President, were received into service. These volunteers were not raised under the provisions of the act of May, 1846; they were, therefore, to be regarded in service by virtue of the act of 1795, consequently, for the term of *three* months. There was no authority to receive the volunteers into ser-

* Letter of Mr. Marcy to General Taylor, May 28th, 1846.

† Letter of the Secretary of War to General Taylor, June 26th, 1846.

vice for six months. By the law of 1795, they were to serve for three months, and by the law of May, 1846, for twelve months, or during the war. To refuse to receive them after the sacrifices they had made, was the cause of much regret, but there was no other alternative; they were not legally in the public service, under any existing law, and the President had no power to receive them, unless they thought proper to offer their services under the act of May, 1846.

It was deemed advisable, in the mean time, to transfer General Gaines from the Southern to the Northern department, and he was ordered to make his head-quarters at New-York, instead of New Orleans.

After the arrival of the requisite number of volunteers from the United States, General Taylor prepared to advance upon Monterey, by the way of Camargo. He left Matamoras during the latter part of August, with a column consisting of about 6,000 regular and volunteer troops, and arrived before Monterey on the 19th of September, 1846.* Our troops were now in view of a large city, whose natural defences and massive fortifications rendered it almost impregnable. More than forty pieces of artillery defended its frowning walls, and the battlements were protected by 7,000 troops of the line, and more than two thousand irregulars. It was here that the chivalrous Worth obtained the opportunity for which he panted, to make amends for his absence from the battle-fields of Palo Alto and

* Dispatch of General Taylor, dated Monterey, September 22, 1846.

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Resaca de la Palma. Believing himself injured by the decision which permitted General Twiggs to rank him, he left Texas, and appearing at Washington, tendered his resignation to the President. In opposition to the opinion which prevailed at the seat of Government, Mr. Polk refused to accept it, and his military skill and daring courage were given to his country in the struggle which ensued. When he heard of the collision between the rival forces on the banks of the Rio Grande, and which he did not anticipate, he withdrew the tender which he had made of his commission, and repaired immediately to the seat of war. Although his gallantry was conspicuous among all those leaders who surrounded General Scott, I take this opportunity of referring briefly to that commander. General Worth entered the army at an early period of his life; his headlong impetuosity at the sanguinary battles of Lundy's Lane and Chippewa, obtained for him a high reputation, which was greatly increased by his services in Florida. The best disciplinarian in the army, he was yet the idol of the soldiery. Gifted with an imposing presence, an eye which has been compared to the eagle's, an affability of manner, a courage perfectly regardless of death in the hour of battle, a fixedness of purpose, and a coolness of judgment which the thunders of artillery could not disturb; he combined every requisite which should characterize a man and a soldier. Burning with impatience to silence, by some splendid achievement, the whispers which his absence from the conflicts of the 8th and 9th of

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May produced, he joined the army of invasion. The conduct of General Taylor in giving him a separate command, at Monterey, displayed the frankness of the disinterested soldier. It was feared by those who did not understand the character of General Worth, that in the effort to gain a brilliant victory he would be regardless of the lives of his men, but the result proved him a better man, and a more skilful general.

From the configuration of the country through which the road passed, leading to Saltillo, it was determined to attack the town in that direction. For this purpose, the second division was placed under the command of General Worth, and at 2 o'clock, P. M., on the 20th September, 1846, he started to execute the duty assigned him. The enemy, in the mean time, had thrown reinforcements into the Bishop's palace, and upon the heights which commanded it.* To divert the attention of the Mexicans, Generals Butler and Twiggs displayed their divisions before the town. On the morning of the 21st, the division under General Worth was put in motion, and soon encountered a strong force of cavalry and infantry, and after a sharp conflict the Mexicans were defeated. The examinations made proved the impracticability of making any effective advances upon the city, without first obtaining possession of the exterior forts and batteries. About 300 men composed a storming party for the purpose of effecting that object; one fort after another was taken under a tremendous fire, until they were ena-

* Dispatch of General Taylor, October 9th, 1846.

bled to bring their guns to bear upon the Bishop's palace.* To carry the building was the next object to be accomplished. It is situated about midway the southern slope of the hill *Independencia*. This was accomplished on the 22d, by one of the most brilliant feats recorded in the annals of warfare. The position they had thus gained enabled them to send their iron hail into the Grand Plaza. The town was now perfectly under the control of Worth's artillery. In the mean time, a demonstration was made by the forces under the immediate command of General Taylor, upon the other end of the town. Here the loss of the Americans was very severe, and it was only by "burrowing" through the houses that they could make much progress into the heart of the city. The display of daring upon the part of both regulars and volunteers was highly satisfactory, and added still more to the reputation of the former, and covered with renown the deeds of the latter.

Early on the morning of the 24th of September, General Taylor received a communication from Ampudia, proposing to evacuate the town, upon condition that he should be suffered to take with him the *personel* and *materiel* of war.† This proposition was refused by General Taylor,‡ and the unconditional surrender of the town and the garri-

* Report of General Worth, September 28th, 1846.

† Letter of General Ampudia, September 23d, to General Taylor.

‡ "A complete surrender of the town and garrison, the latter as prisoners of war, is now demanded. The garrison will be allowed, at your option, after laying down its arms, to retire to the interior, on condition of not serving again during the war, until regularly exchanged."—*Letter of General Taylor to General Ampudia, September 24th, 1846.*

son as prisoners of war was demanded. Upon the same day that General Taylor made this response to the Mexican General-in-Chief, much more favorable terms were extended to him.* The city, fortifications, cannon, munitions of war, and all other public property, with some exceptions, were surrendered, but the Mexican forces were allowed to retain their accoutrements, one battery of six pieces, with twenty-one rounds of ammunition. They were to retire within seven days from that date, beyond the line formed by the pass of the Rinconada, the city of Linares and San Fernando De Pressas, and the forces of the United States were not to advance beyond the line specified before the expiration of eight weeks, or until the order or instructions of the respective Governments could be received. The Mexican flag when struck at the citadel was to be saluted by its own battery. The terms of this capitulation created much dissatisfaction in the United States. It was a subject of much regret that General Taylor did not exact from the enemy more rigorous terms. The Secretary of War, in response to the communication from General Taylor, was directed by the President to inform him that he regretted it was not deemed advisable to insist upon the terms which he had first proposed, although it was suggested that the circumstances doubtless justified the change.* The reasons given

* See terms of the capitulation of Monterey, Executive Documents, 2d Session 29th Congress, volume 4, Doc. No. 119.

† "In relation to the terms of capitulation of Monterey, the President instructs me to say that he regrets it was not advisable to insist upon the

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by General Taylor* for acceding to the terms of capitulation, were first, the impossibility of preventing the escape of the Mexicans through the various passes leading from the city, and the destruction of their artillery and magazines; and secondly, the impossibility of moving forward in force until the time selected for the cessation of hostilities had expired.† The Secretary of War informed General

terms which you had first proposed. The circumstances which dictated doubtless justified the change. The President, uninformed of these circumstances, does not know in what degree the recent change in the Government of Mexico may have contributed to this result. Certain it is, however, that the present rulers of that republic have not yet given any evidence that they are 'favorable to the interests of peace.' Of this you will have already been informed by my dispatch of the 22d ultimo."—*Letter of the Secretary of War to General Taylor, October 13th*, 1846.

* "The force with which I advanced on Monterey was limited by causes beyond my control, to about 6,000 men. With this force, as every military man must admit who has seen the ground, it was entirely impossible to invest Monterey so closely as to prevent the escape of the garrison. Although the main communication with the interior was in our possession, yet one route was open to the Mexicans throughout the operations, and could not be closed, as were also other minor tracks and passes through the mountains. Had we, therefore, insisted on more rigorous terms than those granted, the result would have been the escape of the body of the Mexican force, with the destruction of its artillery and magazines; our only advantage being the capture of a few prisoners of war, at the expense of valuable lives and much damage to the city. The consideration of humanity was present to my mind during the conference which led to the convention, and outweighed in my judgment the doubtful advantages to be gained by a resumption of the attack upon the town. This conclusion has been fully confirmed by an inspection of the enemy's position and means since the surrender. It was discovered that his principal magazine, containing an immense amount of powder, was in the cathedral, completely exposed to our shells from two directions. The explosion of this mass of powder, which must have ultimately resulted from a continuance of the bombardment, would have been infinitely disastrous, involving the destruction not only of Mexican troops, but of non-combatants, and even our own people, had we pressed the attack."

† "In regard to the temporary cessation of hostilities, the fact that

Taylor that he would perceive by the tenor of the dispatches from the War Department, that the Government did not contemplate the occurrence of any contingency in the prosecution of the war in which it would be expedient to suspend hostilities before the offer of acceptable terms of peace; and also gave him instructions to terminate the armistice immediately.* It cannot be regarded in any other light than as a most unfortunate result, that after a loss of 12 officers and 108 men killed, 31 officers and 337 men wounded in capturing the city, that 8,000 Mexicans should be suffered to retire with arms in their hands without even a parole of honor that they would not fight again during the war. That Ampudia would have acceded to any terms when his head-quarters were brought under the fire

we are not at this moment (within eleven days of the termination of the period fixed by the convention) prepared to move forward in force, is a sufficient explanation of the military reasons which dictated this suspension of arms. It paralyzed the enemy during a period when, from the want of necessary means, we could not possibly move. I desire distinctly to state, and to call the attention of the authorities to the fact, that with all diligence in breaking mules and setting up wagons, the first wagons in addition to our original train from Corpus Christi (and but 125 in number) reached my head-quarters on the same day with the Secretary's communication of October 13th, viz., the 2d inst. At the date of the surrender of Monterey our force had not more than ten days' rations; and even now, with all our endeavors, we have not more than twenty-five. The task of fighting and beating the enemy is among the least difficult that we encounter; the great question of supplies necessarily controls all the operations in a country like this. At the date of the convention I could not, of course, have foreseen that the department would direct an important detachment from my command without consulting me, or without waiting the result of the main operation under my orders."—*Letter of General Taylor to the Secretary of War, November 8th*, 1846.

* Letter of Mr. Marcy to General Taylor, October 13th, 1846.

of Worth's artillery, there is every reason to believe. As it was, the victory cannot be considered as complete, when the right to salute their flag was extended to the enemy, and permission given him to resume hostilities again.

The destinies of Mexico were at this time controlled by Santa Anna. In August, 1846, the power of Paredes was overthrown, and shortly after Santa Anna returned from Havana to Mexico. The permission given by Mr. Polk to Santa Anna to return to Mexico,* has been made the subject of much animadversion. It has been insisted that he offered no obstructions to the return of the ablest of the Mexican chieftains. During the war, public opinion rather condemned this act upon the part of Mr. Polk, but the time has now arrived when it can be examined with more calmness, and all the circumstances which evidently controlled him in granting that permission, can be impartially considered. It will be recollected that the basis of the revolution which placed Paredes in power, was the fact, that Herrera had accepted overtures for the settlement of the difficulties between the two countries.†

* ["PRIVATE AND CONFIDENTIAL.]

"UNITED STATES NAVY DEPARTMENT, *May* 13, 1846.

"COMMODORE: If Santa Anna endeavors to enter the Mexican ports, you will allow him to pass freely.

"Respectfully, yours, GEORGE BANCROFT.

"Commodore DAVID CONNER, commanding Home Squadron."

† "We now turn a glance to Mexico, where will be found established the government of General Paredes. As one of the motives by which the revolutionists supported their pronunciamento, was, that the administration of Herrera did not desire to carry on this war; the new Government was

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Paredes was not only the most clamorous of all the Mexican chieftains for a war with the United States, but he was known to be a monarchist in principle. If necessary to enable them to contend successfully against the United States, he was in favor of calling to the aid of Mexico a foreign power, by the tender of a throne. Although it might be a trivial affair to chastise the insolence of the Mexicans, yet it would be more difficult, if they were able to obtain the aid of France and Spain. This was a consummation by no means improbable. The balance of power doctrine had been proclaimed by Guizot—a doctrine against which our Government is committed. For the purpose, then, of preventing an alliance between Mexico and any of the European powers, either to obtain troops to fight her battles, or to make that country a dependency of France or Spain, it was perfectly justifiable in Mr. Polk to produce internal dissensions in Mexico. Independent of this view of the subject, we had a perfect right to produce as much anarchy and confusion in that motley assemblage called republicans, as possible. Whatever may have been the crimes

bound to do so at any cost."—*Mexican History of the War in Mexico*, p. 38.

"The command of the division of reserve, destined to operate on the frontier of Texas, was intrusted to General Paredes, who, although he had, from causes of personal dissatisfaction, contributed to the overthrow of Santa Anna, has always been known as the advocate of centralism, or rather of a military despotism, ordered to advance several months since, to the line of the Rio del Norte, he has, on various frivolous pretexts, constantly disobeyed or evaded his instructions, and the government, although it cannot have been ignorant of his hostile intentions, has not dared to displace him."—*Letter of Mr. Slidell to Mr. Buchanan, December* 27th, 1845. *Executive Documents*, 1*st session* 30*th Congress*, p. 34.

committed by Santa Anna, he was certainly opposed to the establishment of a monarchy in Mexico. That danger, then, was not to be apprehended, if he once more obtained the reins of government. Besides, the hope was entertained that he would employ his influence in restoring pacific relations between the two countries.*

Those persons who have so fiercely assailed the conduct of Mr. Polk, in permitting Santa Anna to return, may not be apprised of the fact, that the present Chief Magistrate of this country placed reliance in the declarations of Santa Anna, that he was favorable to peace.† He supposed, that the change of Government in Mexico (in his letter defending himself for granting an armistice), since his last instructions, fully warranted him in listening to the propositions of Ampudia. That *change of Government* was the substitution of Santa Anna for Gene-

* Again: "In the course of civil war, the Government of General Paredes was overthrown. We could not but look upon this as a fortunate event, believing that any other administration, representing Mexico, would be less deluded, more patriotic, and more prudent—looking to the common good, weighing probabilities, strength, resources, and, above all, the general opinion as to the inevitable results of a national war. We were deceived—as perhaps you, Mexicans, were also deceived, in judging of the real intentions of General Santa Anna, whom you recalled, and whom our Government permitted to return."—*Proclamation of General Scott to the Mexicans, May* 11, 1847, *at Jalapa.*

† "In the conference with General Ampudia, I was distinctly told by him that he had invited it to spare the further effusion of blood, and because General Santa Anna had declared himself favorable to peace. I knew that our Government had made propositions to that of Mexico to negotiate, and I deemed that the change of Government in that country since my last instructions, fully warranted me in entertaining considerations of policy."—*Dispatches of General Taylor to the War Department, November 8th,* 1846.

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ral Paredes, as the President of Mexico. The *instructions* to which he refers, did not contemplate that any contingency would happen in the prosecution of the war, in which it would be expedient to suspend hostilities before the offer of acceptable terms of peace.* Under these instructions, then, when General Taylor agreed to a suspension of hostilities, he must have believed, not only that Santa Anna would offer acceptable terms of peace, but that he had already done so. Placing the permis sion given Santa Anna to return to Mexico, alone upon the ground of his supposed exertions to produce peace, the two American Executives were both deceived, and the judgments of neither proved infallible.

On the 27th of July, 1846, the President of the United States caused propositions to be made to the Mexican Government, for the termination of existing difficulties in a treaty of peace.† This proposition was responded to by the Mexican authorities, August 31st following. The only answer made to this conciliatory offer was the proposition to lay it before the Mexican Congress, to be assembled on the 6th of December thereafter.‡ Too little reliance was placed in the favorable action of that body, to authorize a suspension of hostilities for so long a period. They had proved too regardless of plighted faith, to render it at all probable,

* Letter of Mr. Marcy to General Taylor, October 13, 1846.

† Letter of Mr. Buchanan, to the Minister of Foreign Relations of the Mexican Republic, July 27, 1846.

‡ Letter of Manuel Crescencio Rejon, Mexican Secretary of Foreign Affairs. August 31, 1846.

that where no pledges were made, the Mexican Congress would agree to terms unless they were forced by stern necessity; and the proposition of the Mexican Government was rejected, and they were informed that the appeal to arms would be continued.

The column under Brigadier General Wool, consisting of about 1,400 men, destined for the conquest of Chihuahua, was put in motion from San Antonia de Bexar, on the 29th of September, 1846. Crossing the Rio Grande, he traversed Coahuila and arrived at Monclova, on the 31st of October, and was well received by the inhabitants.* The force of General Wool having been diverted from its original destination, it never reached Chihuahua, and he subsequently joined his command to the army of General Taylor.

On the 30th of June, Brigadier General Kearny, with 1,600 regulars and volunteers, marched from Fort Leavenworth, in the direction of Santa Fé, where he arrived after a march of 873 miles, on the 18th of August, and took possession of New Mexico by a bloodless achievement. The Mexican forces under the command of Governor Armijo, amounting to 4,000, ingloriously fled; and the Governor himself, with a small party of dragoons, departed in haste for Chihuahua. General Kearny was authorized to muster into service a battalion from among the emigrants, who were on their way to Oregon and California; in addition to this force, 1,000 volunteers were started from Missouri to reinforce him.

* The report of the Secretary of War, December, 1846.

In August, 1846, General Kearny communicated to the War Department the fact, that he had under his command a greater number of troops than was necessary to retain possession of Santa Fé, and for the conquest of California; and that he proposed sending a portion of them to reinforce General Wool, whom he supposed was advancing upon Chihuahua.* On the 23d of September, 1846, Colonel Doniphan, with the first regiment of Missouri volunteers started upon that celebrated march, which has not inaptly been compared to that of Xenophon. The men who composed that regiment, were young, hardy, and possessed of a desperate and reckless courage, and were well fitted for a service which was surrounded by so many perils. It was not known when Doniphan left Santa Fé, that the column under the command of General Wool had been diverted from its movement upon Chihuahua, and he therefore penetrated with his small band of heroes into a country that thronged with foes, and which had never been trod by the footsteps of an American soldier.

On the 25th of December, the advance guard of his regiment was met by the Mexicans in force, in the vicinity of Brazito, where a battle ensued, resulting in the total overthrow of the enemy, with a loss on their part of nearly 200 killed and wounded, and on that of the Americans of only 7 wounded. Less than 500 Americans in this engagement defeated 1,200 Mexicans. Continuing his march, Doniphan, entered El Passo without again en-

* Report of the Secretary of War, December, 1846.

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countering a foe. It was here ascertained, that the movement had to be made without the aid of General Wool; and the command was detained until February, for the purpose of receiving reinforcements of artillery from Santa Fé, when the force continued to advance towards Chihuahua.

On the 28th of February, 1847, they discovered a large force of Mexicans, intrenched behind their batteries at the pass of Sacramento. It was at once determined to storm the Mexican intrenchments; they were furiously assaulted, and defended with equal desperation. The ardor of the Americans proved irresistible; the fortifications were scaled, the enemy was driven from his artillery with dreadful slaughter, and the victory was signal and complete. Our troops entered the capital of Chihuahua in triumph, and shortly after proceeded to join General Taylor at Monterey. If we except the bloody victory of Molino del Rey, there was no more brilliant achievement during the whole war, than the triumph at the battle of Sacramento. The Mexican forces amounted to more than 4,000, and their loss in killed and wounded was about 600; while the entire force of the Americans was less than 900, and their killed and wounded did not exceed 9 men. Thus the march of Colonel Doniphan and his men for more than 1,000 miles through a hostile country, was rendered still more glorious by his triumphs in two battles against greatly superior numbers.

In September, 1846, General Kearny with a regular force of about 300 dragoons, in pursuance

of the instructions from the War Department, started for California. Passing down the Rio Grande more than 200 miles, he prepared to cross over to the river Gila, but after advancing about 180 miles, he was met by an express from California dispatched by Colonel Fremont. Deeming it unnecessary to take an additional force into that country, he ordered most of his troops to return to Santa Fé, and continued himself with about 100 men.

In May, 1845, Captain Fremont left Washington, under orders from the War Department, to continue his explorations beyond the Rocky Mountains—a service purely of a scientific character. There were no soldiers under his command, and the sixty-two men who made up his party were taken as a protection against the Indians. His route lay through a portion of California that was settled, and he was fully apprised of the danger of a rupture between Mexico and the United States, and was resolved to give no umbrage to the authorities in California. Leaving his company 100 miles from Monterey, he proceeded to that place alone, for the purpose of explaining to Castro the object of his mission, and to obtain permission to enter the valley of the San Joaquin, to obtain forage for his horses and provisions for the men. His request was granted; but scarcely had he arrived at the place which he had selected, before he received information that General Castro was preparing to overwhelm him with a superior force. For the purpose of defending himself from this unwarran-

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table attack, he intrenched his men upon a mountain thirty miles distant from Monterey. There he remained from the 7th to the 10th of March, 1846, without being attacked by the Mexicans; and he at length yielded to the wishes of some of his men, discharged them, and pursued his march for Oregon. After being attacked by hostile Indians, who were instigated by General Castro, he was informed that Castro himself was advancing against him at the head of more than 400 men, and that the American settlers in the valley of the Sacramento, as well as his own party, were to be involved in the scheme of destruction. Driven in self-defence to repel the foe—who like a wolf hung upon his footsteps; on the 6th of June, 1846, he determined to overthrow the Mexican authority in California. By rapidity of movement he surprised several parties, and obtained possession of nine brass cannon and several hundred stand of arms. Castro was driven from one position to another, until he reached Cuidad de Los Angeles. Colonel Fremont having formed a junction with Commodore Stockton, their united forces, on the 12th of August, 1846, entered the city of the Angels, the Governor General Pico, and the rest of the Mexican authorities, having fled. Commodore Stockton took possession of the whole country, and appointed Colonel Fremont Governor. In the short space of sixty days the conquest of a country was achieved, which has more recently attracted the attention of the civilized world.

The operations thus far had failed to produce the desired result of forcing Mexico to conclude a

peace. Far greater obstinacy was manifested by the Mexicans than was anticipated by those persons who did not understand the characteristics of the Spanish race. The victories upon the Rio Grande and the capture of Monterey did not produce a termination of the war, and the necessity of carrying out the comprehensive plan laid down by the War Department became now perfectly apparent. For the purpose of conciliating the Mexican inhabitants, the burdens of the contest which are ordinarily borne by the citizens of an invaded country, had been withheld. The private property which was appropriated for the use of the army was paid for at a fair price. This was far from having the effect of rendering them clamorous for peace; on the contrary, protected as they were from exactions by their own authorities, and furnished with a profitable market for their produce, it was highly favorable to their interests that the war should be continued. An army of invasion possesses the undoubted right of not only drawing its supplies from the enemy without paying for them, but to exact contributions for its support. This is often a very effective way of bringing public opinion to bear upon the subject. The departure from this rule was made as a matter of policy, to avoid arousing the Mexican nation *en masse* against us. Instructions were issued from the War Department to General Taylor, to require contributions to be made of supplies for the army without paying for them, if he was satisfied that his army could be subsisted

in that way.* A letter was addressed by the War Department to General Taylor, September 22d, 1846, informing him that it was contemplated to make a movement in the direction of Tampico, but he was advised that it was not designed to withdraw any of the force then with him, nor to divert any of the reinforcements which might be necessary to enable him to advance beyond Monterey. He was told that communications would be made immediately from the War Department to General Patterson, because the time it would take to receive information from him and to send the reply from the War Department, might be the very moment for striking an effective blow. This communication called forth a protest, prompt and explicit, from General Taylor.† He insisted that while he was at the head of the army in Mexico, he would be held responsible for its operations, and therefore claimed the right of organizing all detachments from it, and of controlling the time and manner of their service. In the dispatch of General Taylor of October 15th, 1846, he reported at considerable length his views with regard to an onward movement in the direction of San Luis Potosi. It was his opinion that to insure success in the advance upon that city it would require an army 20,000 strong, 10,000 of which should be regular troops, and that besides this force, 5,000

* Letter of Secretary of War to General Taylor, September 22d, 1846.

† Dispatch of General Taylor to the War Department, October 15th, 1846.

men would be required to keep possession of the country already under our control.* In the same communication he expressed himself, in view of the difficulties and expense of a movement into the heart of Mexico, favorable to the occupation of a defensive line.† That line was the Sierra Madre,

* "In view of the above facts, I hazard nothing in saying that a column to move on San Luis from Saltillo, should, to insure success, be at least 20,000 strong, of which 10,000 should be regular troops. After much reflection, I consider the above as the smallest number of *effective* troops that could be employed on this service without incurring the hazard of disaster and perhaps defeat. There would be required, besides, to keep open our long line, protect the dépôts, and secure the country already gained, a force of 5,000 men; this, without including the force necessary to send to Tampico, to take or hold that place.

"And now I come to the point presented in the Secretary's letter. A simultaneous movement on San Luis and Tampico is there suggested; but it will readily be seen that with only one-half the force which I consider necessary to march on one point, it is quite impossible to march on both; and that nothing short of an effective force of 25,000 to 30,000 men would, on military principles, justify the double movement. And it is to be remarked that the possession of Tampico is indispensable in case we advance to San Luis, for the line hence to the latter place is entirely too long to be maintained permanently, and must be abandoned for the shorter one from Tampico the moment San Luis is taken.

"I have spoken only of the number of troops deemed necessary for the prosecution of the campaign beyond Saltillo. It will be understood that largely increased means and material of every kind will be equally necessary to render the army efficient; such as cavalry and artillery horses, means of transport, ordnance stores, &c."

† "It may be expected that I should give my views as to the policy of occupying a defensive line, to which I have above alluded. I am free to confess that, in view of the difficulties and expense attending a movement into the heart of the country, and particularly in view of the unsettled and revolutionary character of the Mexican Government, the occupation of such a line seems to me the best course that can be adopted. The line taken might either be that on which we propose to insist as the boundary between the republics—say the Rio Grande, or the line to which we have advanced, viz., the Sierra Madre, including Chihuahua and Santa Fé. The former line could be held with a much smaller force than the lat-

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including Chihuahua and Santa Fé, or the Rio Grande. The opinion, then, of General Taylor was distinctly expressed, that an advance beyond the Sierra Madre was impolitic.

To enable General Taylor to dispense with the corps under General Worth, it was intimated to him that it would be better to order General Wool to join him, if it was not contemplated to hold possession of Coahuila or Chihuahua.* That commander himself admitted, that nothing would be gained by an advance upon Chihuahua by General Wool's column, at all commensurate with the excessive length of his line of operations.† There were

ter; but even the line of the Sierra Madre could be held with a force greatly less than would be required for an active campaign. Monterey controls the great outlet from the interior. A strong garrison at this point, with an advance at Saltillo and small corps at Monclova, Linares, Victoria and Tampico, would effectually cover the line."—*Letter of General Taylor to the Secretary of War, October 15th*, 1846.

* "It is not doubted that General Wool will be able to capture Chihuahua; but if the population should be disposed, as it is apprehended they will be, to obstruct his movements and withhold supplies, it is doubtful whether he has a sufficient force to sustain himself long in that position. Should the contemplated military and naval operations on the Gulf coast be put in execution, troops to reinforce him, in case his condition required it, cannot well be spared. Under a full view of all the circumstances, it is suggested whether it would not be best to have his force united with yours at Monterey, or on the Rio Grande."—*Letter of Mr. Marcy to General Taylor, October 22d*, 1846.

† "Brigadier General Wool, with a portion of his force, arrived at Monclova on the 29th of October, and is now joined by the rear division. He reports no practicable route to Chihuahua except the one by Parras, which will bring within a few leagues of Saltillo. He inquires, what is to be gained by going to Chihuahua? And I am free to answer, nothing at all commensurate with the excessive length of his line of operations. Chihuahua, moreover, is virtually conquered, and can be occupied at any moment while we hold Saltillo and Santa Fé."—*Letter of General Taylor to Mr. Marcy, November 9th*, 1846.

no reasons then, why General Wool should not be ordered to join his column with that of General Taylor.

The design of making a descent upon Victoria and Tampico had not been abandoned. The column destined for this expedition reached Victoria on the 23d of January, 1847, but before its arrival a naval force, under the command of Commodore Perry, had taken possession of Tampico. The descent of the fleet upon this place was made for the purpose of masking the movement upon Vera Cruz. In the mean time, General Wool was stationed at Parras with 2,400 men, and General Worth with his command of 1,200 men was advanced to Saltillo, while the headquarters of General Butler were at Monterey.* General Taylor himself left Monterey on the 15th of December, for the purpose of forming a junction with General Patterson at Victoria. His course was, however, arrested before reaching that place, by a dispatch from General Worth, conveying the information that Santa Anna was about to avail himself of the diversion in the direction of Victoria, for the purpose of making a descent upon the advanced posts of the army. Taylor returned with the regular troops under his command to Monterey. General Worth was promptly reinforced by the division under the command of General Wool, and by the disposable force at Monterey under General Butler. General Taylor himself was advancing to Saltillo, when he was informed that the advanced

* Report of General Taylor to the War Department, December 8th, 1846.

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posts of the Mexicans had been withdrawn. He then continued in the direction of Victoria, where he arrived on the 4th of January, 1847, and awaited further communications from General Scott. The troops of the United States now held possession of the country this side of the Sierra Madre, extending from Tampico to Saltillo and Santa Fé; still Mexico refused to accede to terms. It was therefore resolved to make a descent upon Vera Cruz, and to strike at the heart of the Mexican territory. While the line of the Sierra Madre was to be retained, and the advance of our troops in the direction of San Luis was to be left for future determination, a large force under the immediate command of General Scott was preparing to attack the castle of San Juan de Ulloa. As early as September, 1846, the attention of the Government was directed to that quarter, and on the 23d of November thereafter, General Scott received instructions from the War Department to place himself at the head of the invading forces. This was done without the least injustice to General Taylor, who had advanced into the enemy's country as far as he thought advisable, and was very properly left to defend what had been so gallantly acquired; while the command of the other column was very appropriately assigned to the Commander-in-chief of the army.

That the very kindest feelings were entertained by General Scott towards General Taylor, there can be no doubt.* And that there was a discre-

* "I shall much regret not having an early opportunity of felicitating you in person upon your many brilliant achievements; but we may meet

tionary power left to General Taylor as to the number of troops he would suffer to be withdrawn from his line of operations, is perfectly undeniable.*

somewhere in the interior of Mexico. I am not coming, my dear General, to supersede you in the immediate command on the line of operations rendered illustrious by you and your gallant army. My proposed theatre is different. But, my dear General, I shall be obliged to take from you most of the gallant officers and men (regulars and volunteers), whom you have so long and so nobly commanded. I am afraid that I shall, by imperious necessity—the approach of the yellow fever on the Gulf coast—reduce you, for a time, to stand on the defensive. This will be infinitely painful to you, and for that reason distressing to me. But I rely upon your patriotism to submit to the temporary sacrifice with cheerfulness. No man can better afford to do so. Recent victories place you on that high eminence, and I even flatter myself that any benefit that may result to me personally from the unequal division of troops alluded to, will lessen the pain of your consequent inactivity."—*Letter of General Scott to General Taylor, dated at New-York, November 25th*, 1846.

* "In looking at the present disposition of the troops, it appears to be scarcely possible to get the requisite number of regulars without drawing some of those now with you at Monterey, or on the way to that place. Should you decide against holding military possession of any place in Coahuila or Chihuahua, and order the troops under General Wool to join you, it is presumed that the requisite force for the expedition to Vera Cruz could be detached without interfering with your plans of operation. Whilst the Government is anxious that nothing should occur to prevent the expedition to Vera Cruz, regarding it of great importance, yet if by withdrawing from your immediate command the force necessary for this purpose the army with you may be placed in danger, this expedition must for the present be either deferred or abandoned—a result deeply to be regretted. On the spot, you will know the strength of the force advancing against you, and the number of troops necessary to resist it; you will by no means weaken yourself so as to expose the army under your command to the probable hazard of disaster. It is desirable to avoid delay; you will, therefore, unless it materially interferes with your own plan of operations, or weakens you too much in your present position, make the necessary arrangements for having four thousand men (of whom fifteen hundred or two thousand should be regular troops), ready to embark for Vera Cruz, or such other destination as may be given them, at the earliest practicable period. The place of embarkation will probably be the Brazos Santiago, or in that vicinity."—*Letter of the Secretary of War to General Taylor,*

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During the first session of the 29th Congress, the President recommended to Congress to make an appropriation of money to be placed under the control of the Executive, to be used, if necessary, in concluding a treaty of peace with Mexico. There was a precedent for this application. On the 26th of February, 1803, two millions of dollars was placed at the disposal of President Jefferson, for the purpose of enabling him to acquire Louisiana from France, and the same amount was appropriated in 1806, to enable him to acquire the Floridas from Spain. The appropriation desired by Mr. Polk was not made until the second session of the 29th Congress, when the object of the law was distinctly specified.*

Scarcely had Congress convened, in December, 1846, before the conduct of General Kearny, in establishing a civil government in New Mexico, was made the subject of animated discussion. It was vehemently asserted that Mr. Polk had been guilty of a lawless assumption of power not delegated by the Constitution; and the gallant officers he had sent to conquer New Mexico and California, were denounced as his "satraps and tetrarchs."† On the

October 22*d*, 1846. Executive Documents, 2d session 29th Congress. Volume 4. Doc. No. 119, p. 86.

* "To enable the President to conclude a treaty of peace, limits and boundaries, with the Republic of Mexico, to be used by him in the event that said treaty, when signed by the authorized agents of the two Governments, and duly ratified by Mexico, shall call for the expenditure of the same, or any part thereof."—*Act of* 1847.

† "He (Mr. D.) had not proposed to inquire of the President as to the manner in which he had conducted, or proposed to conduct the operations of the war; because he was too well acquainted with his own position and

15th of December a resolution passed the House of Representatives, requesting the President to communicate to that body, all orders and instructions which he had given to the commanders of the army and navy concerning the establishment of civil government in any portion of the territory of Mexico.* It was expected by the opposition members of Congress, that he had transcended his constitutional

duty as a member of Congress, and that of the President. But when he saw foreign countries occupied by our army and navy; when he heard officers of our Government proclaiming themselves governors of provinces, appointing subordinate officers, fixing their salaries and the duration of their offices—establishing, in a word, the whole machine of civil government, he demanded of the President his authority for permitting and sanctioning such a course of proceedings. What! was our American President an emperor, sending forth his Agrippa and his Marcellus, his proconsuls, to establish and to govern the provinces they might conquer by force of arms? Was the President of the United States, an officer deriving his breath and being from the Constitution of the United States, to authorize his satraps and his tetrarchs to set up governments at their pleasure, and prescribe to them laws and regulations at their discretion? If he could, Mr. D. wanted to know under what grant of the Constitution he exercised such a power? The President, he admitted, was made by the Constitution commander-in-chief of the army and navy of the United States, and he could do, in time of war, whatever pertained to that authority. He could do nothing, however, in relation to the conduct of either army or navy, but what grew out of, and was immediately connected with, that authority. But for the express grant of the Constitution, he could do nothing in conducting the war at all. The whole duty would, in that case, devolve upon Congress, and such agents as Congress might be pleased to appoint. The President could discharge no function in relation to the war, but such as resided in him as Commander in-chief of the army and navy of the country. As President, he could legitimately take no part in a war of conquest—none whatever—none, none. Then Mr. D. wanted to know from the President, and from his partisans, by what imperial or regal authority his majesty undertook to act in the premises referred to in the resolution of inquiry."—*Speech of Garret Davis, Kentucky, H. of R. U. S., December* 9, 1846.

* Congressional Globe, 2d session 29th Congress.

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powers, in giving orders to the commanders of the army, and upon the strength of that assumption, before the resolution of inquiry was passed, he was freely characterized by all those appellations which do not indicate an honest man. But in this instance, as well as in many others, they entirely misconceived the character of the Executive, and it was a long time before they could be convinced that he was a perfect master of the powers which appertained to his office, and that he would fearlessly discharge them, regardless of the consequences. On the 22d of December, 1846, Mr. Polk transmitted to the House of Representatives all the orders or instructions which had been issued to our officers with regard to the establishment of civil governments. In that communication he stated that the regulations authorized were temporary, and dependent on the rights acquired by conquest, and were but the ameliorations of martial law.

Among the documents which the President transmitted with that message to the House, was the form of government established and organized by General Kearny, at Santa Fé, which was not brought to the notice of the President until after his annual message of the 8th of December, 1846.* The government organized and established by General Kearny never did receive the sanction of the Executive. That organic law is a very curious compilation. It occupies forty-six pages in the Executive documents, and is assuredly a rare produc-

* Letter of the Secretary of War to the President, December 21, 1846.

tion; and no one can peruse it, who is aware that laws of that kind can only be passed by Congress, without being amused at the naiveté with which this modern Solon compiled a constitution and laws for New Mexico; and it is difficult to believe that the whole affair was not a broad joke.*

* ORGANIC LAW OF THE TERRITORY OF NEW MEXICO.

The Government of the United States of American ordains and establishes the following Organic Law, for the territory of New Mexico, which has become a territory of the said Government.

ARTICLE I.

SEC. 1. The country heretofore known as New Mexico, shall be known hereafter, and designated as the territory of New Mexico, in the United States of America, and the temporary government of the said territory shall be organized and administered in the manner herein prescribed.

ARTICLE II.

EXECUTIVE POWER.

SEC. 1. The Executive power shall be vested in a Governor, who shall reside in the said territory, and hold his office for two years, unless sooner removed by the President of the United States.

ARTICLE III.

LEGISLATIVE POWER.

SEC. 1. The Legislative power shall be vested in a General Assembly, which shall consist of the Legislative Council and a House of Representatives.

SEC. 8. All free male citizens of the territory of New Mexico, who then are, and for three months next preceding the election shall have been residents of the county or district in which they shall offer to vote, shall be entitled to vote for a delegate to the Congress of the United States, and for members of the General Assembly, and for all other officers elected by the people.

ARTICLE IV.

JUDICIAL POWER.

SEC. 1. The Judicial power shall be vested in a Superior Court; and inferior tribunals to be established by law.

The course pursued by the President and his subordinates in New Mexico, and California, presents some points of the gravest consideration. The powers and duties of belligerents should be well defined. While it is admitted that a conquered people should not be subjected to the despotic will of the conqueror, regardless of the moral obligations of humanity; still it is undeniable, that they are shorn of those rights which they possessed before they came under his power. Mr. Polk laid down the doctrine correctly, when he stated, that by the law of nations, a conquered territory is subject to be governed by the conqueror while he holds military possession. The government which previously existed, being superseded, it is not only the right but the duty of the conqueror to maintain civil order, which will at the same time preserve his conquest.* If it was necessary, to preserve possession of the conquered territory, that the harsh and stringent rules of martial law should be enforced, then that course would be justifiable. This may be done

Done in the Government House, in the city of Santa Fé, in the territory of New Mexico, by Brigadier General Stephen W. Kearny, by virtue of the power and authority conferred upon him by the Government of the United States, this twenty-second day of September, 1846.

S. W. KEARNY,
Brigadier General U. S. A

I have only copied a small portion of the Organic Law. The power of the Executive, the Legislature, and the Judiciary, were defined at great length, and their salaries specified. The time of electing the delegate to Congress was also specified. Then followed an elaborate bill of rights. The production can be found in vol. 3 of Executive Documents, 2d session 29th Congress. Doc. 19, Page 27.—*The Author.*

* Message of President Polk, December 8th, 1846.

for the benefit of the conqueror. But if this course is not necessary, rules should be established to prevent civil discord and violence. This policy is demanded by the immutable principles of justice to the conquered people. The question presents itself in two points of view: the first is external, a question under the rules of international law, between us and Mexico. The other is a domestic question, under the Constitution of the United State, between the co-ordinate branches of the Government. The former I have briefly considered. The latter involves far more weighty considerations; the constitutional division and exercise of powers granted by the Constitution. The question, as to how far the President could exercise over conquered provinces certain powers, had never been decided, and upon the establishment of a principle which should properly define his powers much depended. After mature reflection, I am convinced that the President, as such, possesses no power under the Constitution to exercise control over conquered territory during the existence of war. If that power be admitted, it can be exercised by him without being under the control of Congress. If so disposed, he could establish Governments, select officers, levy armies, and surround himself in the conquered territories with all the pomp and pageant of a Sultan. But all the necessary powers *are* conferred upon him, under that clause of the Constitution which proclaims that he is the Commander-in-chief of the army and navy of the United States; in which capacity his conduct is under the immediate supervision of

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the legislative power. In this view of the subject, it will be seen that all the powers which it is necessary for the President to possess, are provided by the Constitution, while the dangers which might result from the occupancy of the Presidential chair, by a man too ambitious and unscrupulous, are guarded against. The power, then, to establish all governments necessary to preserve our conquests in New Mexico, is obviously derived from the position of Mr. Polk as the Commander-in-chief of the army.

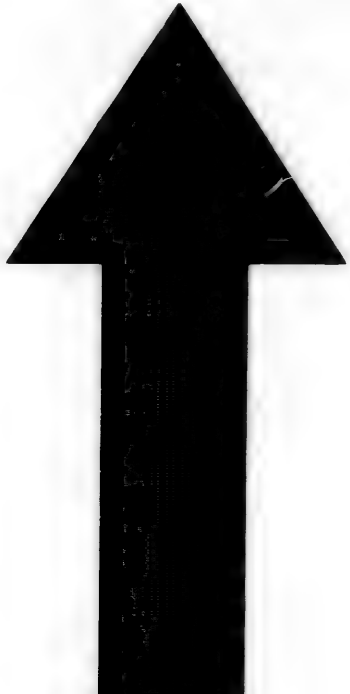
Passing to the consideration of the attack made in Congress upon Mr. Polk, because he had established through his subordinate a civil government in that portion of the country, which he had himself, in effect, claimed to be a part of Texas; I can only say that Santa Fé belonged either to Texas or Mexico. If to the former, it was nevertheless in the possession and under the control of the Mexicans, at the time the force under General Kearny seized it for and in behalf of the United States, and held it under the necessities of the case, by military possession. If, on the contrary, it belonged to Mexico, it was rightfully held as a conquered province; and in either point of view Mr. Polk was guilty of no act of usurpation.

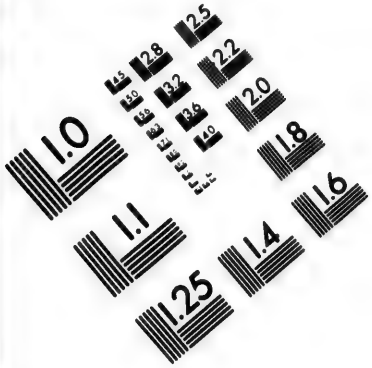
About the 15th of December, 1846, Colonel Price, who had been left in command of New Mexico, received information of an attempt to excite an insurrection among the people of that section of the country. On the 19th of January, 1847, Governor Bent, together with five other persons, were murdered at Taos. This was quickly followed by

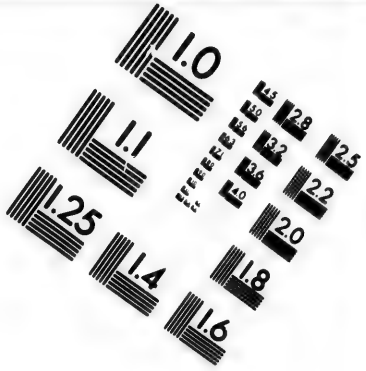
other butcheries in that vicinity. Colonel Price was informed of these events on the 20th of January, and also that the Mexicans were advancing upon Santa Fé. He at once resolved to meet them. His force amounted to only three hundred and fifty-three rank and file. The enemy were concentrated near the town of Cañada, in the vicinity of the Rio del Norte, and were intrenched upon the heights commanding the road to that town, and had fortified three strong houses at the base of the hill. The American artillery was immediately opened upon these positions, and in a short time the Mexicans were flying in every direction. The number of the enemy was estimated at 1500, and his loss was thirty-six killed. The loss of the Americans was two killed and six wounded.

Some six hundred Mexicans were discovered upon the hills near the pass of Embrido, who were repulsed by two hundred Americans. The enemy retreated, and fortified himself, to the number of six hundred, in the Pueblo de Taos, a place of remarkable strength, whither he was followed by the Americans, now numbering about 490 men. It was surrounded by adobe walls and strong pickets,* and inclosed several buildings of sufficient capacity to hold several hundred men. On the 3d the artillery opened upon the place, but without much effect. The batteries re-opened upon the town on the morning of the fourth. The guns were not of sufficiently large calibre to penetrate the walls of the church, and it

* See report of General Price to the Adjutant General, February 15th, 1847.







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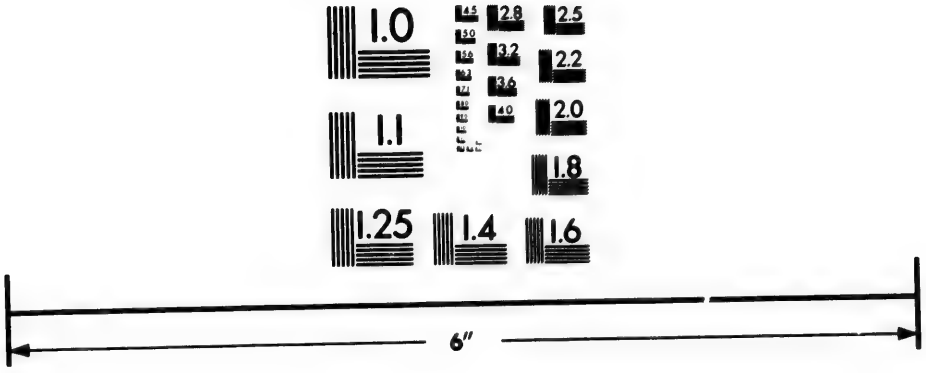

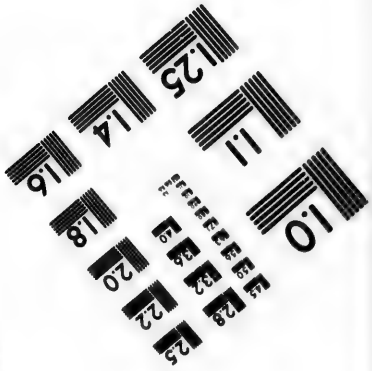

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was determined to storm that building; and notwithstanding the most desperate resistance it was taken, not, however, until a six-pounder was brought to bear within ten yards of its walls. On the 5th the enemy proposed terms, which were accepted. His loss was one hundred and fifty killed, while that of the Americans was seven killed and forty-five wounded. The severe chastisement inflicted upon them for their dastardly murder of Americans produced a salutary result, which was not the less effective from the fact that it was performed by greatly inferior numbers.

The war thus far had been triumphantly successful, and whatever disparity of numbers were engaged, victory always perched upon the American banner. It should not be supposed that the enemy were easily defeated. Their constancy under the most appalling fire, when the iron hail from our flying artillery crashed through their ranks, would have done honor to the most resolute veterans. At Palo Alto, where that instrument of death swept away their columns, they displayed the most undaunted courage; and at Resaca they made a gallant stand in the face of the American infantry and artillery, when bayonets gleamed, and grape and canister decimated their ranks.

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CHAPTFR VIII.

General Scott directed to proceed to the seat of war.—General Taylor advised to act upon the defensive.—Complaints of General Taylor.—Movements of Santa Anna.—He advances upon Agua Nueva.—*Battle of Buena Vista.*—*General Scott takes Vera Cruz and the castle of San Juan D'Ulloa.*—Capture of Alvarado.—Victory of *Cerro Gordo.*—Jalapa and Perote fall into the hands of the Americans.—Appointment of Mr. Trist as Commissioner to Mexico.—Puebla is surrendered to General Worth.—Arrival of reinforcements from the United States.—The American army enter the Valley of Mexico.

Soon after the war commenced, General Scott laid down his plan of operations for its prosecution; and although at the time it was considered rather too elaborate and complicated, yet it may well be a question whether he did not write more understandingly than any one whose views were presented. To repulse an enemy from our territory, and to carry the war from our own borders into the heart of his territory, required not only great military skill, but necessarily demanded the expenditure of a large amount of money. To organize and discipline the men, to furnish transportation, to provide supplies, to obtain the requisite amount of arms and ammunition, required no ordinary foresight and sagacity. In addition, thereto, an attempt was to be made upon a hostile coast, with what was regarded as an impregnable fortress frowning upon them. To surmount all these obstacles, the splendid

military talents, and great experience of the Commander-in-chief of the army was called forth. On the 23d of November, 1846, General Scott received orders from the Department to repair to the seat of war, and organize an expedition to operate on the Gulf coast.* The operations of General Scott were not controlled by positive instructions, but he was left to the dictates of his own judgment in forming and executing his plan of the campaign. In the mean time, General Taylor was directed by the War Department to act upon the defensive,† and was informed that it was not advisable to penetrate beyond Monterey, while the expedition against the sea-coast was advancing. Especial care was taken by the War Department to impress upon the minds of Scott and Taylor the danger of an attack by Santa Anna in the direction of Monterey, while the former General was advancing towards Vera Cruz.‡ Taylor himself admits, that he was advised by the Commander-in-chief to evacuate Saltillo, but that he was fearful of the moral effect upon the volunteers.§

On the 15th of January, 1847, Taylor wrote his somewhat celebrated letter of complaint to Scott,‖ in which he alludes to the number of regulars that were withdrawn from his line of operations, leaving him with less than 1,000 of that description of

* Letter of the Secretary of War to General Scott, November 23d, 1846.

† Letter of the Secretary of War to General Taylor, January 4th, 1847.

‡ Letter from Marcy to Scott, January 4th, 1847.

§ February 7, 1847.

‖ Letter of Taylor to Scott, January 15th, 1847.

troops, and a volunteer force, partly of new levies, to hold a defensive line. Taylor himself had spoken of the impracticability of penetrating to the heart of Mexico via San Luis, and had recommended a defensive line of operations. The Cabinet, however, differed with him upon that point; and as they had determined to attack Mexico in another direction, it was important to ascertain how many troops could be spared from Taylor's command to reinforce General Scott. Notwithstanding the complaints of General Taylor, that about 4,000 men were taken from his division to reinforce the expedition to Vera Cruz, he subsequently stated to the War Department, that the force still remaining under his command would enable him to hold the positions then occupied.*

He was apprised that he was to act upon the defensive, and was especially directed to retain a sufficient number of troops, so that the safety of his army would not be endangered.† That he did retain under his command a sufficient number for that purpose we have seen from his letter of January 27th.

I wish to be explicit upon this branch of the

* "The force with which I am left in this quarter, though greatly deficient in regular troops, will, doubtless, enable me to hold the positions now occupied."—*Letter of General Taylor to the War Department, January 27th*, 1847.

† "On the spot, you will know the strength of the force advancing against you, and the number of troops necessary to resist it; you will by no means weaken yourself so as to expose the army under your command to the probable hazard of disaster."—*Letter of Mr. Marcy to General Taylor, October 22d*, 1846.

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subject, because the infamous and false assertion was uttered upon the floor of Congress, that Mr. Polk sought to weaken General Taylor for the purpose of having his army cut off by Santa Anna.* It will be seen, that the extent to which General Taylor would weaken himself was left entirely to his own discretion. As was truly stated by the Secretary of War, he was upon the ground, and was far more capable of judging what number of troops it would require to defend himself against any column the Mexicans might bring against him. He had already given it as his opinion that an advance upon San Luis Potosi was impolitic, and surely it will not be insisted that any greater number of troops should have been left under his command than was necessary to keep up the defensive line he had himself advocated. It cannot be said with truth that he granted his permission for the departure of the troops under General Worth, as a reinforcement to General Scott, because he was willing magnanimously to add to the laurels of a brother soldier at the risk of being himself sacrificed. General Taylor suffered those troops to join General Scott because he had no apprehensions that Santa Anna would advance, if at all in sufficient force to jeopard the safety of his army, and because he must have considered a large addition to Scott's force necessary.† His dispatches to the War De-

* See debates, Congressional Globe, 30th Congress.

† "Should the Government determine to strike a decisive blow at Mexico, it is my opinion that the force should land near Vera Cruz or Alvarado, and, after establishing a secure depôt, march thence on the capital.

partment on the 7th and 14th of February, 1847, are a triumphant refutation of the infamous charge made against the Executive. In those reports he states that there were rumors of Santa Anna's advance in force from San Luis, but that he placed no reliance in the rumor.* If General Taylor, who was upon the scene of operations, placed no reliance in the rumor that he was to be attacked by Santa Anna, should Mr. Polk be blamed for not knowing that fact, when he was more than 3,000 miles from General Taylor's head-quarters? It should be remembered, that the opinion of General Taylor was expressed only seven days before the battle of Buena Vista. The falsity of the charge is still further proved by the dispatch of General Taylor after the battle of Buena Vista was fought, in which he says that he became assured on the 20th of February that the enemy had assembled in a very heavy force at Encarnacion, thirty miles in front of Agua Nueva, with the evident design of

The amount of troops required for this service would not fall short, in my judgment, of 25,000 men, of which at least 10,000 to be regular troops."—*Letter of General Taylor to the War Department, October 15th, 1846, 7th Volume Executive Documents, 1st session 29th Congress.*

* "I have no intelligence from the interior more recent or more authentic than that heretofore communicated. There is understood to be no considerable force in our front, nor is it likely that any serious demonstration will be made in this direction. The frequent alarms since the middle of December seem to have been without substantial foundation."—*Dispatch of General Taylor to the War Department, February 7th, 1847.*

"Rumors reach our camp from time to time, of the projected advance of a Mexican force upon this position, but I think such a movement improbable. The command is held at all times in readiness for the enemy."—*Dispatch of General Taylor to the Secretary of War, February 14th, 1847.*

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attacking his position.* Here, then, it seems that General Taylor was not *assured* of the advance of Santa Anna until two days before the battle of Buena Vista commenced; and that too, when he had in his camp Ben McCullock, the best living spy in the world. Under all these circumstances, posterity will place a just appreciation upon the denunciations of partisans, who could so far degrade themselves as to pour unmerited abuse upon the head of the President. Mr. Polk should not be held responsible for the disparity of numbers arrayed upon the field of Buena Vista, unless he was gifted with the attributes of Deity. If it was necessary to give reasons to disprove the charge made against the administration, there are two which would prove it conclusively. The first is the improbability of Mr. Polk being so utterly devoid of those feelings which characterize a man, as willingly to place more than 5,000 men in a condition where they would be not only defeated, but in all probability exterminated. He had been accused of wrongfully commencing the war, and he must have possessed a depravity of heart perfectly inconceivable if he could wantonly peril the existence of those gallant men, who had left their kindred and their firesides to defend the honor of the country, amid the horrors of battle. The heart which

* "SIR:—I have the honor to report, that having become assured on the 20th inst., the enemy had assembled in a very heavy force at Encarnacion, thirty miles in front of Agua Nueva, with the evident design of attacking my position, I broke up my camp at the latter place on the 21st, and took up a strong line in front of Buena Vista, seven miles south of Saltillo."—*Dispatch of General Taylor, February 24th*, 1847.

could conceive him guilty of such unparalleled atrocity, must be itself devoid of honor. The second is the fact that the fame of the administration, as well as that of the army, depended upon an unbroken series of triumphs. The defeat of General Taylor would not only have resulted in the destruction of his army, but would have left to the mercy of the foe every soldier west of the Rio Grande. This would not only have been the case, but the operations which were in progress against the city of Mexico would have been arrested, and the whole plan of the campaign would have been frustrated.

There was a difference of opinion between Scott and the War Department, as to the course which Taylor should pursue. The administration feared an advance by Santa Anna, and therefore cautioned Taylor to act upon the defensive;* while Scott apprehended, as his demonstration upon Vera Cruz had been communicated to the Mexican General-in-Chief, that Santa Anna would concentrate his forces on the road leading from Mexico to the coast. He thought, therefore, that Taylor should manœuvre offensively in the direction of San Luis.†

* "While engaged in an expedition on the sea-coast, it is not proposed to penetrate the country beyond Monterey, with a view to its permanent occupation, though it is desirable to maintain a threatening attitude at that point. Monterey must be held with a sufficient force."—*Letter of the Secretary of War to General Taylor, January 4th*, 1847.

† "It is, consequently, more than possible that, before this time, the greater part of the Mexican army lately assembled at San Luis de Potosi has reached Vera Cruz, or its vicinity. Major General Taylor's mind has no doubt, ere this, arrived at the same conclusion; and I shall write to suggest to him, at his own discretion, the advantage of manœuvring

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I have been thus explicit in alluding to this subject, because it has been made the basis of unjustifiable accusations against the administration. I feel no disposition to do injustice to General Taylor. The sensitiveness with which military men regard the integrity of their command is properly appreciated, and the anxiety with which they guard their military reputation is worthy of all commendation. No one can have a higher estimation of the gallantry and patriotism of that General than myself; and the heroism displayed by himself and his men, in the terrible encounter with Santa Anna, proves conclusively that the pledge he made in his letter of complaint to General Scott,* was fully redeemed.

While the army of invasion under the Commander-in-Chief, consisting of about 12,000 men, less than half the number which General Taylor deemed necessary to attack Mexico in that direction,† was assembled at the island of Lobos, events of the greatest magnitude were occurring upon the northern line.

The great exertions which Santa Anna had for a long time been making to organize a large force at San Luis Potosi, at last proved successful. Ex-

offensively in the direction of San Luis de Potosi, after being partially reinforced with some of the new regiments of volunteers."—*Letter of General Scott to Mr. Marcy, February 4th*, 1847.

* "But, however much I may feel personally mortified and outraged by the course pursued, unprecedented, at least, in our own history, I will carry out in good faith, while I remain in Mexico, the views of the Government, though I may be sacrificed in the effort.'—*Letter of General Taylor to General Scott, January 15th*, 1847.

† See letter of General Taylor to General Scott, October 15th, 1846. 7th volume of Executive Documents, 1st session 29th Congress.

traordinary energy had also been exhibited by the Mexican Government to carry out his views, and on the 8th of October Santa Anna found himself at the head of an effective force of more than 20,000 men. Employing himself with great industry in disciplining the troops under his command, he was prepared to avail himself of a favorable opportunity to precipitate his army through the mountain gorges of the Sierra Madre, upon the scattered and weakened forces of General Taylor. He knew the absolute necessity of arousing the desponding hopes of the Mexican nation by a brilliant demonstration, and he saw the time had arrived for striking an effective blow when General Scott was too far advanced towards Vera Cruz to fly to the rescue of General Taylor. Leaving the city of Vera Cruz and the Castle of San Juan D'Ulloa to its fate, he determined to carry the war "into Africa."

War was reduced to a science when Marshal Turenne and General Montecuculli each was aware what movement the other would make, by knowing what he would do, under similar circumstances. It is but just to admit that the administration possessed some of that foresight and sagacity, which immortalized the French and Austrian commanders; for they repeatedly impressed upon the minds of Scott and Taylor, that there was great danger of a sudden movement by Santa Anna from San Luis; while the former expected a demonstration under the Mexican leader in the direction of Vera Cruz, and the latter placed no reliance in the rumor that a large force was advancing against him.

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The favorable moment for which Santa Anna had anxiously awaited from October until February had now arrived, and he rapidly advanced from San Luis in the direction of Agua Nueva. General Taylor was assured of this fact on the 20th of February, 1847, and fell back to a more favorable position for defence at Buena Vista, 7 miles south of Saltillo, and 11 miles from his advanced post at Agua Nueva. This movement was made at noon on the 21st.* With a small force General Taylor returned the same day to Saltillo, to make some arrangements for the defence of that town, leaving General Wool in command of the troops; and before his return on the morning of the 22d, the enemy were advancing and in sight, having marched from Encarnacion, a distance of 40 miles, after 11 o'clock the day previous. The position selected by the American commander was one of remarkable strength. The road at that point passed through a narrow defile, and the valley on its right was cut up by deep and impassable gullies; while on the left rugged hills and precipitous ravines extended to the mountain which overlooked the battle field; thus obstructing the use of the enemy's artillery and cavalry, and destroying the advantages which he possessed in the numerical superiority of his infantry. At 11 o'clock General Taylor received a summons from Santa Anna to surrender at discretion, which he declined acceding to. No serious

* For details of this battle see report of General Taylor to the Secretary of War, Agua Nueva, March 6th, 1847. Executive Documents, 1st session 30th Congress. Doc. 8, p. 132.

attack was meditated by the Mexican commander during that day, as he was evidently awaiting for the arrival of his rear guard. The troops bivouacked without fires, and rested with arms in their hands. A body of 1500 cavalry hovered upon the rear of the Americans during the day, evidently having been ordered to take that position for the purpose of harassing the retreat.

The American commander returned again to Saltillo, and when he arrived upon the field, on the morning of the 23d, the battle had already commenced. The action was brought on by an attempt of the enemy with light troops to outflank the American left, where they were met by the riflemen under Colonel Marshall and a portion of the 2d Illinois volunteers. At 8 o'clock, a heavy column advanced along the road, for the purpose of breaking the centre of our troops, but they were repulsed and driven back in confusion by Washington's battery. About this time a dark and threatening mass was seen hovering upon the left, and column after column was poured upon that point for the purpose of forcing it, by immensely superior numbers. Here was stationed the 2d Indiana and the 2d Illinois regiments, covering O'Brien's battery, under the immediate command of General Lane, who ordered the Indiana regiment and the artillery to advance. That regiment receiving a terrible fire from small arms, and being raked by a cross fire of grape and canister from a Mexican battery planted upon the left, broke in disorder and fled from the field, with the exception of a small number, who

were rallied by Colonel Bowles. O'Brien's battery was served with tremendous effect, but still the Mexican battalions continued to advance, and not being supported, he was forced to retire, leaving behind him one of his pieces. A gallant stand was now made by the 2d Illinois regiment, but being at last outflanked, it was forced to fall back. The movement of the Mexicans in this part of the field was completely successful, and the light troops who had so gallantly defended the mountain, were forced to retire, and were not rallied until they reached the depôt at Buena Vista, which they subsequently aided to defend. Heavy columns of infantry and cavalry were now poured by Santa Anna along the foot of the mountain, to the rear of the Americans, where they assembled in great numbers. It was at this critical moment, when the victory was almost within the grasp of the enemy, that General Taylor arrived upon the field, accompanied by the Mississippi riflemen, who were ordered into action, and greatly distinguished themselves under the leadership of Colonel Davis. They were gallantly sustained by the 2d Kentucky and a portion of the 1st Illinois regiments, and by the batteries of Sherman and Bragg, and the Mexicans were driven with great loss from the positions they had gained. The American artillery being in position on the plateau, produced terrible havoc among the masses who had gained the left. Again and again, the Mexican columns advanced furiously to the onset, but were as often driven back. The rapid and terrible discharges of artillery which had been concentrated

upon them, created disorder in their ranks, and they attempted to effect a retreat to their main line. In the mean time, a heavy force of the Mexicans were hovering on the extreme left of the Americans, evidently with the view of capturing the American baggage. The troops who had retreated from the field rallied to its defence, and assisted by the Arkansas and Kentucky cavalry, succeeded in protecting that point. It was here that the chivalrous Colonel Yell lost his life. The situation of the enemy, who had broken through the left wing, and had gained the rear of the Americans, was now exceedingly critical. At that moment Santa Anna sent a message to the American commander, to propound the extraordinary question of "what he wanted!" Taylor immediately dispatched General Wool to the Mexican General-in-chief, and at the same time sent orders to cease firing.* The Mexicans still continued the attack, and General Wool returned without having obtained an interview. Santa Anna had in the mean time gained his object, which was to enable that part of his army wh.. 1 was in immi-

* "The position of that portion of the Mexican army which had gained *our rear*, was now very critical, and it seemed doubtful whether it could re*join* the main body. At this moment I received from Santa Anna a message by a staff officer, desiring to know what I wanted? I immediately dispatched Brigadier General Wool to the Mexican General-in-chief, and sent orders to cease firing. Upon reaching the Mexican lines, General Wool could not cause the enemy to cease their fire, and accordingly returned without having an interview. The extreme right of the enemy continued its retreat along the base of the mountain, and finally, in spite of all our efforts, effected a junction with the remainder of the army." —*See report of General Taylor to the Secretary of War, March 6, 1847.*

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nent danger of being cut off, to rejoin the main body.* The small demonstrations which were made by General Miñon in the rear of the Americans during this portion of the day, were easily checked by Shover's battery and Webster's command. The firing had partially ceased upon that part of the field which had been so hotly disputed; but the cessation was for a very brief period.

The Illinois and Kentucky regiments, instead of acting on the defensive, made an advance movement to meet the foe. The collision was terrific; the ground was covered with the slain, but the Americans were overwhelmed by superior numbers, and were forced to retreat, leaving dead upon the field Colonels Hardin and McKee, and Lieutenant-Colonel Clay. The trophies of this brilliant charge were two of Captain O'Brien's pieces. He had sustained his position to the very last, and until the infantry which supported him was driven back in disorder. At this critical moment, when the victory had almost deserted the American eagles, Captain Braxton Bragg, who had once before assisted to change the fortunes of the day, and arrest the tide of battle, which threatened to sweep over the American army, arrived upon the plateau from the left, and rapidly passing General Taylor, without any infant-

* "The Mexicans on the contrary assert, that Santa Anna never did send such a message, but that a Mexican Lieutenant, Don Jose Maria Montoye, having been surrounded by the Americans, and not desiring to be taken prisoner, pretended to have been sent to General Taylor by Santa Anna, and managed, while accompanying General Wool to the Mexican General-in-chief, to separate from them, and thus rejoined the Mexicans."—*See Mexican History of the War with Mexico*, p. 126.

ry support, at once placed his guns in battery. Nothing but his presence at that moment in the face of the enemy, saved the Americans from defeat. The dark and threatening masses of Mexicans were moving rapidly forward with irresistible impetuosity; the centre of the American army was broken, and General Taylor himself was in imminent danger of being taken prisoner. With that reckless and desperate courage which characterized the man, and with that intuition which could seize the only moment to turn the tide of battle, Captain Bragg, with his small body of artillerymen, unaided and alone, confronted that fierce array of Mexicans, who already saw the victory within their grasp. At the moment Bragg had placed his guns in battery, the enemy were within a few yards of their muzzles, and rapidly advancing. The first discharge of canister from his guns, made terrible havoc in the serried ranks of the enemy; they reeled and staggered as the iron hail swept away whole platoons. The second and third discharge forced them to recoil in dismay from before those terrible implements of death, which carried carnage and slaughter into their ranks, and they fled madly from the field. That was the last attempt made by the enemy to carry the American position; and the night furnished the exhausted troops the opportunity for refreshing themselves. Amid the dead and the dying, without fires, they bivouacked upon the field of battle, listening to the groans of the wounded, and to the chilling blasts which howled through the valley, expecting the morning sun to witness a renewal of

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the combat, which had already covered the field with the dying and the dead. But the result of that long and desperate conflict had broken the spirit of the Mexican army. Where they expected to achieve an easy victory, they were met with a courage bordering upon desperation, and they retired from that field of slaughter dispirited and dismayed. Thus ended the bloody battle of Buena Vista, which resulted in the signal triumph of the American arms.

The force engaged under General Taylor was 334 officers, and 4,425 men, of which only 453 were regular troops. The strength of the Mexican army was at least 20,000 men. The American loss was 267 killed, 456 wounded, and 23 missing. The loss of the Mexicans in killed and wounded, according to the lowest estimate, was 1500, and probably amounted to 2,000.

When we take into consideration the disparity in the numbers engaged, and the obstinacy with which the victory was disputed, we cannot but come to the conclusion that it was one of the most sanguinary battles ever fought upon this continent. It was the only battle of any importance during the war, in which the Americans acted upon the defensive. It is true, that they had the advantage of a very strong position, and defended themselves with a knowledge that almost certain death would follow in the pathway of defeat. It is also true that the last hopes of the enemy were staked upon the result of this encounter. They had been for months preparing for it; and the army was well armed and

well disciplined, and with high hopes and confident anticipations, they commenced the attack on the morning of the 23d. Not only were they contending for their firesides and their homes, but for the food which they expected to capture in the camp of General Taylor.*

Where so much desperate courage was exhibited by the American army, and so many instances of personal daring signalized that bloody field, it is a subject of deep mortification, that a panic should have induced a portion of the army to desert their colors, and by an attempt to secure their own safety, to hazard the existence of all. Perhaps it will not be regarded as unjust to those who fought throughout the day with great constancy, to allude particularly to the celebrated charge of the Mississippi riflemen, under Colonel Davis, which restored the fortunes of the day, when the Mexican masses had broken through the left of the American line; and the last desperate stand taken by Captain Bragg, far in advance of any infantry support, and in the face of immense columns of the enemy, when by the

* "His Excellency, the General-in-chief, furthermore orders that the different corps shall to-day receive from the Commissary three days' rations, for the 21st, 22d, and 23d; and that they require the necessary meat this afternoon, for the first meal to-morrow morning, which the troops are directed to eat one hour before taking up the line of march; and the second will be taken in their haversacks, to be eaten in the night, wherever they may halt; this last will consist of meat, two biscuits, and a half a cake of (Piloncillo) brown sugar, for each man; for, on the night of the 21st, there will be no fires permitted, neither will signal be made by any military instrument of music, the movement at early daybreak on the morning of the 22d having to be made in the most profound silence."—*General Orders of Santa Anna, of the 20th February, 1847.*

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rapid and murderous discharges of his flying artillery, he drove them back with tremendous slaughter.

Much credit is due to General Wool for his sagacity in selecting the field, and for the military skill which planned the order of battle. The renown which General Taylor had acquired in the victories on the Rio Grande, and in the capture of Monterey, proved a tower of strength upon the field of Buena Vista. The Mexicans feared, what the Americans believed, that he could not be defeated; and during the changing fortunes of that terrible day, while victory alternately perched upon the banners of the contending armies, the Americans turned with confidence and with hope upon the stern and unyielding countenance of their chief.

Along the road leading from Buena Vista to Agua Nueva, a scene of horror was presented on the night of the 23d of February. The means of transporting the wounded being extremely limited, they were left to struggle with suffering and with death, and the sighing wind and the startling cry of the wolf was their only requiem. Abandoned to their fate, without food, parched with thirst, without medical aid, and with no shelter to protect them from the piercing night-air, they awaited the moment when death should release them from their suffering. The main body of the army reached Agua Nueva at midnight, and, dying with thirst, the soldiers plunged into a stagnant sheet of water, which in many cases produced instant death. Suffering for the want of food and water, dispirited and disheartened by the results of the battle, they

presented a striking contrast to that splendid array which, buoyant with hope and confident of victory, had attacked the American army.

The wounded enemy who fell into the hands of the Americans, were not only kindly treated, but provisions were offered to Santa Anna by General Taylor.* On the 25th Santa Anna moved his army in the direction of San Luis Potosi.

While these important events were transpiring Santa Anna was President, and Gomez Farias was Vice President of Mexico. The capital, during the absence of the President upon his northern campaign, was the scene of anarchy and violence. Farias, in whose hands was placed the executive authority, sought to force contributions from the clergy for the purpose of prosecuting the war, and at the same time to destroy their power by appropriating their wealth. This produced great excitement, and finally resulted in a resort to arms, and the insurrection was only terminated by the arrival of Santa Anna in the city.

While the Mexican nation were divided and distracted by internal commotions, General Scott, on the 9th of March, 1847, effected a landing in the vicinity of Vera Cruz with a well appointed army of 12,000 men. He had under his command several officers of very high reputation; among the number were Generals Worth, Twiggs, Quitman, Persifer F. Smith; Colonels Duncan, Harney, Garland, Riley, McIntosh, Clark, and others, besides many who afterwards distinguished themselves. General

* Mexican History of the War with Mexico, p. 133.

Worth's division of regulars first landed upon the beach, and was followed by the division of the United States volunteers under General Patterson, and the brigade of General Twiggs. The landing was effected without opposition under the guns of the American squadron. The line of investment was commenced on the same day, but was not completed until March 12th, 1847,* owing to the difficulties of the ground and the want of the necessary materials. During that time, too, a norther prevailed, which drove the clouds of sand into the faces of the troops, and rendered their operations exceedingly difficult. Frequent discharges from the city and castle greatly discommoded the American troops. Skirmishes took place between the brigades of Pillow and Quitman and parties of the enemy. The officers and sailors of the squadron greatly assisted in completing the lines around the city. On the 14th, the Americans forced the enemy to relinquish the space which intervened between the American lines and the city. But the continuance of the storm rendered it very difficult to land the heavy ordnance from the fleet until March 18th. On the 22d of March, at two o'clock, General Scott issued a summons to the Governor of Vera Cruz to surrender, informing him that the city was invested by sea and land. This communication was responded to on the same day by the Governor, Juan Morales, who rejected his proposal, and General Scott ordered the seven mortars, which were

* See Reports of General Scott, Executive Documents, 1st session 29th Congress, volume 2.

placed in battery, to fire upon the city. The lighter vessels which composed Commodore Perry's squadron approached within a mile and an eighth, and being somewhat protected from the raking fire of the castle, they opened their artillery upon the city. The discharges from the fleet and the mortars continued during the night of the 22d, and on the 23d three more mortars were added to the number. During the 24th the fire somewhat slackened, but on the 25th all the batteries were in operation, and proved terribly destructive, especially battery number four, which mounted four twenty-four pounders, and two eight inch paixhan guns. The effect of this tremendous fire upon the city of Vera Cruz was most frightful. The shells, exploding in the heart of the city, not only demolished the buildings, but the iron missives with which they were charged carried death and dismay in every direction. The bombardment was so disastrous that the consuls of Great Britain, France, Spain, and Russia, desired General Scott to grant a truce, to enable the neutrals and the Mexican women and children to abandon the city. To that communication General Scott replied, that he could not grant a truce unless applied for by the Governor of Vera Cruz, accompanied by a distinct proposition to surrender the city. He also informed them that the communication between the neutral ships of war lying in the vicinity of Vera Cruz was kept open, to allow the neutrals in the city an opportunity for escape.

On the 26th of March, General Scott received overtures from General Landero for a suspension

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of hostilities, for the purpose of having honorable terms made with the garrison. This proposition was accepted by the Commander-in-chief, who appointed Generals Worth and Pillow, and Colonel Totten, American commissioners, and the terms of capitulation were ratified by the respective commanders on the 27th of March, 1847. It was agreed that the garrison should surrender themselves prisoners of war, the Mexican officers to preserve their arms and private effects, and together with the rank and file of the regular portion of the prisoners, to give their parole not to serve again during the war, or until they were duly exchanged. With the city of Vera Cruz and San Juan de Ulloa were surrendered 5,000 prisoners.

This splendid achievement, accomplished as it was with comparatively a very small loss, was certainly one of the most brilliant events of the Mexican war. The Castle of San Juan de Ulloa was considered impregnable by Europeans, and was only taken by the French a few years previous by the accidental explosion of a magazine. To land upon a hostile shore, and to encircle the city of Vera Cruz, under the fire of her batteries, illustrated the military skill of General Scott, and the patient endurance and gallantry of the American troops. A new base of operations was thus obtained, which opened a short and direct line to the city of Mexico.

The day after the surrender of the city, General Quitman was ordered to advance upon Alvarado, where he arrived on the 1st of April, but found the place had been taken possession of by Lieuten-

ant Hunter, who had been ordered by Commodore Perry to guard the mouth of the river with the steamer Scourge. Although this feat upon the part of the gallant lieutenant was performed without bloodshed, still Alvarado was not taken according to the plan of operations, which was to call into requisition Quitman's brigade, and the squadron under Commodore Perry; and he was arrested, tried by a court-martial, found guilty of a disobedience of orders, sentenced to a reprimand by Perry, which sentence was carried into effect by that officer with a harshness which produced a general feeling of disgust and indignation.

On the 6th of April, the first division of the American army took up their line of march for the city of Mexico. General Worth was again placed in the advance. Twiggs with the second division started on the 8th, and Patterson on the 9th with the third.

It was the opinion of General Scott after the fall of Vera Cruz, that if American commissioners were at his headquarters, a satisfactory peace might be obtained.* On the 9th he received information that Santa Anna had arrived with 6,000 men at Jalapa; he did not believe, however, that his force amounted to half that number.† He started on

* "All the intelligent, the wealthy and sober-minded citizens of the capital and elsewhere are anxious for peace, yielding to us as the basis, the left bank of the Rio Grande and Upper California. With American commissioners at the headquarters of this army, I think it quite probable that by our arrival at Puebla, if not before, we should be met by Mexican commissioners empowered to treat on that basis."—*Letter of General Scott to the Secretary of War, April 5th*, 1847.

† Dispatch of General Scott to the Secretary of War, April 11th, 1847.

the 12th for the front. Twiggs, in the mean time, had arrived in the vicinity of Plan del Rio, where he found the Mexicans intrenched in a formidable position, which was defended by a much larger force than he expected. The national road crosses a small, but very rapid stream, at the village of Plan del Rio. Near the village were several heights, upon which were planted batteries that commanded the road for some distance, and rendered the position exceedingly formidable. General Scott at once determined to storm the batteries, and drive the enemy from their intrenchments, and issued his orders with as much sangfroid as if their publication at the head of each regiment was equivalent to their execution.*

* "*General Orders, No.* 111. "HEADQUARTERS OF THE ARMY, PLAN DEL RIO, *April* 17*th*, 1847.

"The enemy's whole line of intrenchments and batteries will be attacked in front, and at the same time turned, early in the day to-morrow—probably before 10 o'clock, A. M.

"The second (Twiggs) division of regulars is already advanced within easy turning distance towards the enemy's left; that division has instructions to move forward before daylight to-morrow, and take up position across the national road in the enemy's rear, so as to cut off a retreat towards Jalapa. It may be reinforced to-day if unexpectedly attacked in force, by regiments—one or two—taken from Shields' brigade of volunteers. If not, the two volunteer regiments will march for that purpose at daylight to-morrow morning, under Brigadier General Shields, who will report to Brigadier General Twiggs, on getting up with him, or to the General-in-chief, if he be in advance.

"The remaining regiment of that volunteer brigade will receive instructions in the course of this day.

"The first division of regulars (Worth's) will follow the movement against the enemy's left at sunrise to-morrow morning.

"As already arranged, Brigadier General Pillow's brigade will march at 6 o'clock to-morrow morning along the route he has carefully reconnoitered, and stand ready, as soon as he hears the report of arms on our

The division under Twiggs was ordered to move before daylight, and take position across the national road in the rear of the enemy, for the purpose of cutting off his retreat in the direction of Jalapa.

Worth's division was commanded to attack the left of the Mexicans at sunrise, while Pillow's brigade was ordered to carry the batteries near the river. These orders were brilliantly executed, with

right, or sooner if circumstances should favor him, to pierce the enemy's line of batteries at such point—the nearer to the river the better—as he may select. Once in the rear of that line, he will turn to the right or left, or both, and attack the batteries in reverse, or if abandoned, he will pursue the enemy with vigor until further orders.

"Wall's field battery and the cavalry will be held in reserve on the national road, a little out of view and range of the enemy's batteries. They will take up that position at 9 o'clock in the morning.

"The enemy's batteries being carried or abandoned, all our divisions and corps will pursue with vigor.

"This pursuit may be continued many miles, until stopped by darkness or fortified positions towards Jalapa. Consequently the body of the army will not return to this encampment, but be followed to-morrow afternoon, or early the next morning, by the baggage trains of the several corps. For this purpose the feebler officers and men of each corps will be left to guard its camp and effects, and to load up the latter in the wagons of the corps. A commander of the present encampment will be designated in the course of this day.

"As soon as it shall be known that the enemy's works have been carried, or that the general pursuit has been commenced, one wagon for each regiment and battery and one for the cavalry will follow the movement, to receive, under the direction of medical officers, the wounded and disabled, who will be brought back to this place for treatment in general hospital.

"The surgeon-general will organize this important service, and designate that hospital as well as the medical officers to be left at it.

"Every man who marches out to attack or pursue the enemy will take the usual allowance of ammunition and subsistence for at least two days.

"By command of Major General Scott.

H. L. SCOTT,
A. A. A. General.

Executive Documents, 1st session 30th Congress, Volume 2, p. 259.

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the exception of the assault under Pillow, whose command being ordered to charge before it was formed, was twice repulsed by the terrible fire from the Mexican batteries. This portion of the Mexican position was much stronger than had been anticipated, and was defended by regular troops and skilful and gallant officers. The charge under Colonel Harney up the steep and precipitous ascent in the face of the Mexican guns, was a daring and brilliant affair, and resulted in driving the enemy with great slaughter from that part of the field. The orders issued to the division of Worth and Twiggs were executed with great gallantry, and the command of the latter General sustained considerable loss in executing his orders. About 3,000 prisoners with five generals, and many other officers of rank, were some of the fruits of this victory. The loss of the Americans in killed and wounded was about 250; that of the enemy about 350. Among the American officers who were desperately wounded was General Shields. The pursuit of the enemy was rapidly continued in the direction of Jalapa. The rout of the Mexicans was complete, and they dispersed in utter confusion, and the Americans soon after took possession of Jalapa and the strong fortress of Perote.* At the latter place were captured 54 guns and mortars, 11,065 cannon balls, 14,300 bombs and hand-grenades, and 500 muskets.

The effect produced upon the enemy by the decisive victories won by the American arms, was so great, that if the Commander-in-chief had been en-

* Report of General Worth, Perote, April 22d, 1847.

abled to muster the requisite force, he might in all probability have taken the city of Mexico without striking another blow. But, unfortunately, the time for which seven of the volunteer regiments had enlisted, was about to expire. Congress had passed a law for the re-enlistment of such portions of them as might be disposed to continue in the service of the country. But it was soon evident that they were resolved to return to their homes. Many of them had performed arduous service, and although the "Halls of the Montezumas," in which they had manifested such determination to revel, were now easy of access, still no one can censure them for the course which they thought proper to pursue. As their term of service was nearly completed, they did not relish the idea of penetrating further into the interior, and in view of the danger which they would incur from the vomito, in passing through Vera Cruz, the Commander-in-chief determined to discharge them at once.*

There was no other course left to General Scott but to advance on the city with an army greatly

* "The General-in-chief regrets to learn, through a great number of undoubted channels, that, in all probability, not one man in ten of those regiments, will be inclined to volunteer for the war. This predetermination offers, in his opinion, no ground for reproach, considering the long, arduous, faithful, and gallant services of those corps, however deeply all will regret the consequent and unavoidable delay in the prosecution of this war to an early and honorable peace; for the General-in-chief cannot, in humanity and good faith, cause regiments entitled, in a few weeks, to an honorable discharge, to advance further from the coast in pursuit of the enemy, and thereby throw them upon the necessity of returning to embark at Vera Cruz, at the season known to be, at that place, the most fatal to life."—*General Orders, No.* 135, *May 4th*, 1847.

reduced in numbers, or to continue in the position he then occupied, and await the arrival of the ten regiments of regulars authorized by Congress to be enlisted. He determined to adopt the latter course. Notwithstanding the strenuous exertions used by the President, and those members of Congress favorable to the ten regiment bill, to enforce its prompt passage, it was greatly delayed by those who were opposed to the bill altogether, and by others, who preferred raising volunteers,* a description of troops which were not as acceptable as regulars, to either General Scott or General Taylor.

The adoption of regulations to enforce contributions from the Mexicans, was ordered by the President in March, 1847, by the establishment of a tariff of duties at the Mexican ports. This system was far from furnishing the necessary sum of money for the use of the army; and as no very considerable amount of provisions could be forced from the Mexicans in the interior, they were generally purchased from them. General Scott, from the fact of his not receiving, through the Quartermaster's department, the necessary remittances of money, anticipated that large contributions were expected from the Mexicans, by the Cabinet, and addressed rather a sharp note to the War Department.†

* Congressional Globe, 29th Congress.

† "If it is to be expected at Washington, as is now apprehended, that this army is to support itself by forced contributions levied upon the country, we may ruin and exasperate the inhabitants and starve ourselves; for it is certain they would sooner remove or destroy the products of their farms, than allow them to fall into our hands without compensation. Not a ration for man or horse would be brought in, except by the bayonet,

While the headquarters of General Scott were still at Jalapa, Mr. N. P. Trist arrived in Mexico as the agent of the United States, to negotiate terms with the Mexicans. Although the propriety of ap pointing a commissioner from the United States, had been suggested by General Scott in his letter of April 5th, to the Secretary of War, still, the selection of Mr. Trist as that commissioner was perfectly unjustifiable. He neither possessed the ability, nor held the position requisite for the office to which he was appointed. He was vain and conceited, without possessing that judgment which the occasion required. He was simply a clerk in the State Department; scarcely known in the city of Washington, and of whose existence the Mexicans were perfectly ignorant. No reason can be assigned for his selection by Mr. Buchanan, unless, indeed, as was supposed, the Secretary was anxious to appropriate all the éclat, resulting from the conclusion of a treaty of peace, to the State Department. An individual should have been selected, whose standing in this country would not only be a guarantee of his ability to enter upon a delicate negotiation, but whose modesty and good sense would have avoided any collision with the officers in command of our army. As it was, Mr. Trist had scarcely touched his foot upon the soil of Mexico, before he became involved in a warm controversy with the Commander-in-

which would oblige the troops to spread themselves out many leagues to the right and left, in search of subsistence, and to stop all military operations."—*Dispatch of General Scott to the War Department, May 20th, 1847.*

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chief. It was due to General Scott that a full explanation should have been given him, with regard to the mission, by the State Department, especially when he supposed that the confidence of the administration had been withdrawn from him. His feelings were pretty clearly indicated in a letter to Mr. Trist,* which produced a response from that person.† However objectionable may have been the language of General Scott, when addressing the accredited agent of the Government, the response of Mr. Trist is equally liable to condemnation. Both communications were calculated to widen the breach, and greatly to militate against the public service. Mr. Trist continued with the army until he, finally, in transcending his orders after the city of Mexico was captured, lost the confidence of the Cabinet at Washington, and General Scott was not alone in the estimation which he had placed upon his character.

Santa Anna after his defeat at Cerro Gordo, instead of returning at once to the city of Mexico, retired in the direction of Orizaba, where he was making great exertions to rally his scattered forces.

* "I see that the Secretary of War proposes to degrade me, by requiring that I, the commander of this army, shall defer to you, the chief clerk of the Department of State, the question of continuing or discontinuing hostilities."—*Letter of General Scott to Mr. Trist, 7th of May*, 1845.

† "You will now, sir, I trust, understand, when the communication referred to shall again be placed in your hands, that greatly deficient in wisdom as the present (and indeed any democratic) administration of the Government must necessarily be, it has not, in this particular instance, fallen into so egregious a blunder as to make the transmission and delivery of that communication dependent upon the amiable affability and gracious condescension of General Winfield Scott."—*Letter of Mr. Trist to General Scott, May 9th*, 1847.

At this time Anaya was acting President of Mexico. His administration was resolved to continue the contest, notwithstanding the repeated disasters which had overwhelmed the Mexican forces.

On the 8th of May General Worth commenced his march from Perote along the high road to Puebla, where he arrived on the 15th of May, and took possession of that city.* On the 11th of May General Scott issued a celebrated proclamation to the Mexican nation.† On the 19th of May, Santa Anna entered the city of Mexico, where his reception was by no means flattering to his vanity. He nevertheless assumed the duties of the Presidency, and employed all his influence in procuring a re-

* The terms which were granted by General Worth to the authorities of Puebla did not meet the approbation of the Commander-in-chief. An issue was raised between those two officers which produced a Court of Inquiry, over which Quitman presided, which sustained the opinion of General Scott as to the impolicy of the terms granted by Worth.

† "Considerations of high policy and of continental American interests precipitated events, in spite of the circumspection of the Cabinet at Washington. This Cabinet, ardently desiring to terminate all differences with Mexico, spared no efforts compatible with honor and dignity. It cherished the most flattering hopes of attaining this end by frank explanations and reasonings, addressed to the judgment and prudence of the virtuous and patriotic Government of General Herrera. An unexpected misfortune dispelled these hopes, and closed every avenue to an honorable adjustment. Your new Government disregarded your national interests, as well as those of continental America, and yielded, moreover, to foreign influences the most opposed to those interests—the most fatal to the future of Mexican liberty, and of that republican system which the United States holds it a duty to preserve and to protect. Duty, honor, and dignity placed us under the necessity of not losing a season, of which the monarchical party was fast taking advantage. As not a moment was to be lost, we acted with a promptness and decision suited to the urgency of the case, in order to avoid a complication of interests which might render our relations more difficult and involved."—*Proclamation of General Scott to the Mexicans, May 11th, 1847.*

election to that office. Preparations for the defence of the city were progressing with considerable energy, the fortifications were repaired, and recruits for the army were obtained with all diligence These events did not withdraw the attention of the Mexicans from the internal commotions which distracted and divided their councils and which the danger to be apprehended from the American army could not allay, and on the 20th of May, Santa Anna resigned the Presidency. This resignation not being immediately accepted by the Mexican Congress, it was withdrawn on the 2d of June. It was supposed by the Americans, that the state of anarchy and disorder which prevailed in the city, would result in the election of a President who would enter into negotiations. This was certainly the opinion of General Scott.*

Notwithstanding the want of patriotism upon the part of the Mexicans, General Scott did not deem himself in a condition to take advantage of it, owing to the fact that the number of troops with which he landed at Vera Cruz had been greatly diminished.† One thousand men were left in hos-

* "The delay here until about the 22d inst. may, however, be compensated by one important advantage. General Santa Anna has renounced the Presidency (see his printed letter herewith). It is understood that a new Government will be installed on the 15th inst, and there is good ground to hope under Herrera or Trias, both supposed to be desirous of peace with the United States. If we were precisely to occupy the capital, the friends of peace (most of the leaders of the party belong to the capital) would be dispersed; or if they remained and organized under our colors, their Government would be denounced and decried as set up by their army, and lose all credit and weight with the Mexican people."

† "Making the further deductions of the killed and wounded, the

pital at Vera Cruz, the same number sick and wounded at Jalapa, 200 sick at Perote, and on the sick report at Puebla, 1,017. Making a deduction of the killed and wounded, and the garrisons at Vera Cruz, Jalapa, and Perote, there were only left under his command on the 4th of June, 5,820 effective non-commissioned officers, artificers, musicians, and privates.

The troops which now began to arrive at Vera Cruz were greatly harassed on their route to the headquarters of General Scott by the guerilleros who infested the line of march; and each detachment was forced to fight its way through those bands of robbers, who contended for plunder more than from a desire to drive the Americans from their soil. The commands of Colonel M'Intosh and Cadwalader were followed by the division under Major General Pillow. The combined forces arrived at Puebla on the 8th of July, increasing the force to 10,000 men.

Before the troops took up their line of march from Puebla for the city of Mexico, a reconciliation, apparently sincere, had taken place between General Scott and Mr. Trist.* Dreading the conse-

garrisons of Vera Cruz, Jalapa, and Perote, and we have here but 5,800 effective non-commissioned officers, artificers, musicians, and privates; a force evidently insufficient to garrison this large open city, and to march upon the capital, where, or near it, we may probably have to beat an indifferent army of from 12,000 to 25,000 men. This we could do with 4,000, but at a loss, probably, of one fourth of our numbers; whereas, with 8,000, our loss would not exceed some 300."—*Dispatch of General Scott to the Secretary of War, June 4th, 1847, Executive Documents, 1st session 30th Congress, Doc. No. 60, p. 793.*

* "Although daily in expectation of something of special interest to

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quences which might result from the ill feeling existing between the Commander-in-chief and the American commissioner, Mr. Buchanan addressed Mr. Trist on the 14th of June, urging him to effect a reconciliation with General Scott,* and on the 31st of May, the Secretary of War wrote to General Scott, explaining at length the object of Mr. Trist's mission.† These communications from Washington could not have had the effect of producing amicable relations between the two high American functionaries in Mexico, and, therefore, this rather unexpected fraternization must be attributable to some other cause. The world, however, is still left in doubt as to the influences which produced, so suddenly, familiar and friendly intercourse between gentlemen who so recently had employed phrases, when addressing each other, which were not calculated to exalt the character of either. At the same time the Department of State cannot be held

communicate, nothing has occurred of that character save a happy change in my relations, both official and private, with Mr. Trist. Since about the 26th ult., our intercourse has been frequent and cordial; and I have found him able, discreet, courteous, and amiable."—*Dispatch of General Scott to the Secretary of War, July 25th*, 1847.

* "Whilst our armies are in the country of the enemy, and our Minister of peace is at the headquarters of the commanding general, this is no time for personal altercations between them, if these can possibly be avoided. Under such circumstances, the greater the sacrifice of private griefs, however well founded, which you may make upon the altar of your country, the more will this redound to your honor hereafter."—*Secretary of State to Mr. Trist, June 14th*, 1847.

† "Such information you would have received had Mr. Trist delivered in person, as I did not doubt he would, my letter to you of the 14th inst., [ultimo,] with the dispatch from the State Department to the Mexican Minister of Foreign Relations."—*Letter of Mr. Marcy to General Scott, May 31st*, 1847.

entirely blameless for intrusting so important a mission to a person who incurred the danger of a disastrous breach between himself and the Commander-in-chief, by not complying *to the letter* with the wishes of the Cabinet, as indicated in the letter of the Secretary of War of the 31st of May.

A communication which had been transmitted by Mr. Trist to the Mexican Government through the British legation was responded to by Señor Ibarra on the 22d of June. That the Mexican Government was not disposed to accept propositions of peace, was evident from the fact that the communication of Mr. Trist was to be referred to the Mexican Congress, and the only recourse left was to advance upon the city. On the 7th, 8th, 9th and 10th, the American troops took up their line of march. The enterprise which the American forces had now undertaken was exceedingly hazardous; they had not only to assail positions which had been rendered formidable by nature, and made still more so by art, but they were advancing into the heart of a wealthy and populous country, where, if the people had rallied en masse, inevitable destruction must have awaited them.

The principally travelled route from Puebla lies through a highly cultivated country, until it reaches San Martin Tesmalucan. From thence to Rio Frio, the face of the country is more precipitous and broken, and a few miles from the latter point the highway descends into the valley of Mexico. When the American troops had arrived at this point, they saw spread out beneath them cultivated fields and

beautiful villages. Their eyes took in the country, which had been rendered celebrated by the triumphs of the Spaniards under Cortes, and their footsteps were about to press the same soil over which his victorious legions passed into the city of the Aztecs. The descendants of those Spaniards whose prowess enabled them to seize the possessions of the native princes, were themselves about to be forced, by an iron destiny and an inexorable fate, to submit to the northern conquerors. The army entered the valley on the 10th of August, and the headquarters of the Commander-in-chief were fixed at Ayotla.

An extraordinary energy seemed to have taken possession of the Mexican troops, and a determination to resist to the last extremity appeared to govern them all. Those persons who had hitherto been anxious for the establishment of peace, now hesitated to utter their sentiments, and all seemed determined to vindicate the honor of their country. Fortifications were repaired, cannon were cast, and powder was manufactured with great industry. It was believed that one severe repulse sustained by the American troops, would destroy that prestige with which repeated victories had encircled the American arms. The plan of operations adopted by Santa Anna, was to await the attack of the Americans in his intrenchments, while the army of the north under General Valencia, composed of the flower of the Mexican troops, was ordered to assail the invaders in the rear. The first barrier to the advance of General Scott was the truly formidable

position of El Peñon. This was a lofty hill, strongly fortified, and commanded the great thoroughfare leading to the city. On the southern line of the city were the fortifications of Mexicalcingo, San Antonio, the convent, and the bridge of Churubusco. Its southwestern side was defended by the fortress of Chapultepec. The north, from whence no danger of attack could be apprehended, was only protected by three garitas; while the eastern part, where it was supposed the Americans would make the most formidable demonstration, was defended by El Peñon. On the 9th of August the brigade of General Leon, from the midst of the enthusiastic and confident populace of the city, took their departure for the purpose of covering that fortification. Santa Anna himself visited it for the purpose of giving his final orders for its defence.

On the 12th and 13th of August, a daring and successful reconnoisance of El Peñon was effected by a detachment from the American army. It was ascertained that although El Peñon might be taken, yet it could be done only at a great sacrifice; it was therefore determined, instead of storming this position, to march along the high road which runs between Lake Chalco and Lake Tezcuco, and pass around the southern shore of Lake Chalco, and thus attack the city from the south, instead of the east. The credit of discovering this route, is claimed by General Scott as having been made by him, long before he reached the valley of Mexico,* while it is

* "These difficulties, closely viewed, threw me back upon the project, long entertained, of turning the strong eastern defences of the city,

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contended by others, that before the successful reconnoisance of Colonel Duncan, General Scott had determined to advance with the main portion of his army, by Mexicalcingo, and that the orders for that purpose, which he had issued, were only countermanded after Duncan had proved the feasibility of passing along the southern shore of Lake Chalco.* It is quite probable that the inquiring mind of General Scott had ascertained the fact, that there was a route around Lake Chalco. This is very far from being an improbable supposition, when we recollect that the Commander-in-chief brought all the resources of his great experience, and a profound knowledge of his profession, into action during this campaign. Penetrating into the heart of the enemy's country, with comparatively a small body of men, and surrounded on all sides, by a nation of foes, no one will doubt, who is acquainted with the character of General Scott, that he availed him-

by passing around, south of Lake Chalco and Jochimilco, at the foot of the hills and mountains, so as to reach this point, and hence to manœuvre on hard ground, though much broken, to the south and southwest of the capital, which has been more or less under our view since the 10th instant."—*Report of General Scott to the Secretary of War, August* 19, 1847.

* "In the mean time, no reconnoisance had been made over the southern route, by American officers, and it is highly probable that none would have ever been made, had not Lieutenant-Colonel Duncan, who was intimate at Worth's headquarters, and whose views in relation to the proposed operations fully coincided with those of that General, volunteered to make a reconnoisance on the following day." "With a letter from Worth, inclosing his written report, and recommending the change, Duncan proceeded on the evening of the 14th to Ayotla, and the effect of his information was, that the orders issued in the morning were countermanded."—*Ripley's History of the War with Mexico,* vol. 2, pp. 191 and 201.

self of every opportunity to acquire information as to the vulnerable point in the fortifications that defended the city. That General Scott may not have been acquainted with the *absolute feasibility* of turning Lake Chalco, until after the reconnoisance under Colonel Duncan, is very likely, and he may have held the army in readiness to march by Mexicalcingo. The great error General Scott committed, was in not giving to Colonel Duncan the credit which was due him for that reconnoisance, which enabled the army to reach the city without either storming El Peñon, or passing beneath its guns.

While the Mexicans were expecting to repulse the American army under the walls of El Peñon, their confidence was somewhat shaken when they ascertained that Worth's division, followed by the whole army, was advancing upon Contreras. This movement was commenced on the 15th, and General Twiggs, with the rear guard, left Ayotla on the 16th, having delayed his march until that time to induce the Mexicans to believe that he intended to attack El Peñon, or fall upon Mexicalcingo.* The town of Contreras is situated upon a wide and convenient thoroughfare leading to the city of Mexico; here was stationed the flower of the Mexican army under General Valencia, one of the most desperately brave of the Mexican chieftains, who was determined to dispute the advance of the Americans at all hazards. The position which he had taken did not meet the approbation of Santa Anna,

* Report of General Scott to the Secretary of War, April 19th, 1849.

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who ordered him to retreat to Coyoacan and Churubusco, which command he refused to obey, and the Mexican General-in-chief left him to his fate.*

* "On the 18th, General Santa Anna ordered Valencia, that early in the next day he should march with his force to Coyoacan, and send forward his artillery to Churubusco. This disposition arose from the opinion he had that on the 19th the enemy would attack the fortification of San Antonio.

"In answer to him, General Valencia, notwithstanding what he had expressed in his first note, was inconsistent by refusing to abandon the point which before had been pronounced indefensible.

"General Santa Anna, then, not opposing further than to note the discrepancy between the first and second communications of General Valencia, agreed that he should remain in the position occupied, and only declaring, as he said afterward, that he would leave Valencia to act on his own responsibility.

"The advices which, from the beginning of the action, he had sent to General Perez and Santa Anna, he now repeated in view of the imminent danger which menaced us.

"The beat for the return of General Perez, was struck three times, and General Santa Anna remained immovable with his division, whose presence had made the enemy to hesitate, and General Scott to fear for the issue of the battle. But Santa Anna did nothing to pass by the road when it was possible, and the belief was universal that he wished to surround with his division and ours the enemy's forces, and accomplish in this manner their defeat.

"During all the time of this inexplicable immobility of the forces of Santa Anna, the firing was going on in various directions.

"In fact, after this firing, General Santa Anna descended from the Olviar, and his company in chorus threw, what his presence gave license to, the blame of the defeat upon the insubordinate Valencia. The troops that were with General Santa Anna withdrew by his order, leaving Valencia surrounded on all sides, and going to lodge at San Angel."—*Mexican History of the War with Mexico*, p. 472-5-6-7.

CHAPTER IX.

Battle of Contreras.—Worth's division storms San Antonio.—*Victory of Churubusco.*—Armistice granted.—Negotiations broken off.—Sanguinary battle of *Molino del Rey.*—*Storming of Chapultepec.*—Surrender of the city.—Santa Anna resigns the Presidency.—Attacks Colonel Childs at Puebla.—Major Lally forces his way from Vera Cruz to Jalapa.—He is joined by General Lane with 2,500 men.—*Battle of Huamantla.*—Powers invested in Mr. Trist revoked.—Contributions exacted.—Treaty concluded by Mr. Trist.—General Scott recalled.—General Butler appointed to the command of the army.—Treaty of Gaudaloupe Hidalgo.—Americans evacuate Mexico.—The army of the United States.—Territory acquired from Mexico.—Its value.

PILLOW'S division was ordered to make a practicable road for heavy artillery, and Twiggs' division was ordered to cover that operation. By three o'clock on the 19th, the men engaged in making the new road, came under the fire of a very heavy park of artillery, which was advantageously posted to check their operations. This battery was supported by large bodies of infantry and cavalry. The divisions of Pillow and Twiggs advanced for the purpose of storming this formidable battery. This movement was met by a terrible fire from the enemy's intrenchments. Not only did the heavy artillery, which lined the hills, send its iron hail into the ranks of the Americans, but the heavy columns of infantry with great gallantry defended that position. For three hours the battle raged furiously, and when night set in the Americans had

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made no impression upon the Mexican lines. Nothing could surpass the obstinacy with which the Mexicans held to their position, and not all the gallantry of the Americans could drive them from it. General Scott, discovering that large bodies of troops were advancing from the city, ordered the 15th regiment, under Colonel Morgan, to occupy Contreras. Colonel Riley was at the time on the enemy's left, while the brigade under the command of General Shields was ordered to support Colonel Morgan.

It was now dark, and the cold and chilling rain fell in torrents. Without fires and with no tents to protect them from the tempest, many of the regiments without food, the officers wandering about in search of each other, the obstinate fury with which the battle had been disputed, all had a tendency to cast a temporary gloom over the army. But the glorious results of the next day proved that the confidence of the troops in their invincibility was not shaken. The morning of the 20th of August found the brigades of Shields, Smith, Cadwalader, Riley, and Morgan's regiment around the hacienda of Contreras. Worth was ordered to march with one of his brigades to mask San Antonio, and with the other to advance upon Contreras. Similar orders were given to General Quitman, and the combined forces were to be concentrated upon the battle field. The plan of the attack, which resulted in the defeat of the enemy, was arranged by General Smith. At three o'clock in the morning, the movement commenced, Riley being in the ad-

vance. After surmounting many difficulties he gained the enemy's rear, and with irresistible impetuosity, stormed their intrenchments. The brigade under Colonel Ransom, composed of the 9th regiment and companies from the 3d and 12th, with the rifles, arriving at the same moment, attacked the Mexicans with terrible effect, while the brigade under Shields poured a destructive fire upon the enemy during their retreat.

The results of this brilliant victory were a loss upon the part of the enemy, of 700 killed, 813 prisoners, 83 officers, 4 generals, and 22 pieces of brass ordnance. The battle was won before the arrival of the division under Worth and Quitman; the former general was directed to assail San Antonio in front, as soon as the divisions under Pillow and Twiggs should attack it in the rear. The battle now raged along the whole line.* Worth stormed the intrenchments at San Antonio, and continued to advance until he met Pillow, who, ascertaining that San Antonio had been taken, turned to the left for the purpose of attacking Churubusco. Here almost the entire Mexican force, amounting to more than 20,000 men, commanded by Santa Anna in person, rallied for a last desperate stand. The Americans, flushed with victory, advanced to the attack with great ardor. The position was hemmed in and furiously assaulted by portions of Worth's, Twiggs', and Pillows' divisions, and was carried at the point of

* Report of General Scott to the War Department, August 28th, 1848.

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the bayonet. The next position to attack was the Convent, which, after a long and desperate defence, surrendered by the garrison.

This was a brilliant day for the American troops. Victory after victory was won, and one position after another fell into their hands; and without striking another blow, they might have entered the capital in triumph, and thus put an end to the war.* Future events proved the error which was committed in granting an armistice. The Mexicans were determined to resist to the last, and nothing but reducing them to extremity, and subduing their pride by the capture of the city of Mexico, would force them to agree to terms. The history of that country from the time of the invasion under Cortes, proves that the possession of the city decides the fate of Mexico. The revolutions, whether bloodless or produced at the point of the bayonet, have never been signal until the metropolis yielded.

* "After so many victories, we might, with but little additional loss, have occupied the capital the same evening. But Mr. Trist, commissioner, &c., as well as myself, had been admonished by the best friends of peace —intelligent neutrals and some American residents—against precipitation, lest by wantonly driving away the government and others—dishonored—we might scatter the elements of peace, excite a spirit of national desperation, and thus indefinitely postpone the hope of accommodation. Deeply impressed with this danger, and remembering our mission—to conquer a peace—the army very cheerfully sacrificed to patriotism, to the great wish and want of our country, the eclat that would have followed an entrance, sword in hand, into a great capital. Willing to leave something to this republic—of no immediate value to us—on which to rest her pride, and to recover temper, I halted our victorious corps at the gates of the city, (at least for a time,) and have them now cantoned in the neighboring villages, where they are well sheltered and supplied with all necessaries."—*Report of General Scott to the War Department, August 28th, 1847, Volume 2, Executive Documents, 1st session 30th Congress.*

Wherever the pronunciamento was issued, the capital was the point upon which the disaffected concentrated, and its fall alone terminated the struggle.

To prove that the pride of the Mexican people had not yet been broken, we have only to refer to the events which preceded the armistice, when Santa Anna was fearful of having it known that he had taken the initiative. On the morning of the 21st General Scott offered to sign an armistice, containing a pledge upon the part of the Mexicans to enter at once into the negotiations for peace, while Santa Anna proposed a truce. The latter proposition was rejected, and commissioners were appointed on the 22d; the armistice was signed on the 23d and ratified on the 24th. The first article provided for the absolute suspension of hostilities between the two armies within 30 leagues of the city of Mexico, for the purpose of enabling the commissioners to open negotiations. The third article provided that the armistice should continue while those commissioners were engaged in negotiations, or until the armistice was broken off upon a notice of 48 hours. The fourth article stated that neither army should be reinforced.

As little faith could be placed in the promises of the enemy, General Scott was strongly urged by some of his generals to make the surrender of Chapultepec a guarantee of their good faith; but to this proposition the Mexicans would not agree.*

* "*General Orders, No.* 262. "HEADQUARTERS OF THE ARMY, TACUBAYA, *August 24th*, 1847.

"The following military convention is published for the information and strict government of the American army, its retainers and followers.

The commissioners of the two powers met on the 27th of August, 1847. It is doubtful whether Santa Anna agreed in good faith to open negotia-

Any infraction of one or more of the articles of the said convention shall be followed by rigorous punishment.

"The undersigned appointed respectively, the three first by Major General Winfield Scott, Commander-in-chief of the armies of the United States, and the two last by his Excellency D. Antonio Lopez de Santa Anna, President of the Mexican Republic and Commander-in-chief of its armies, met with full powers, which were duly verified, in the village of Tacubaya, on the 22d day of August, 1847, to enter into an armistice, for the purpose of giving the Mexican Government an opportunity of receiving propositions for peace, from the commissioner appointed by the President of the United States, and now with the American army, when the following articles were agreed upon:

"ART. 1. Hostilities shall instantly and absolutely cease between the armies of the United States of America and the United Mexican States, within thirty leagues of the capital of the latter States, to allow time to the commissioner appointed by the United States, and the commissioners to be appointed by the Mexican Republic, to negotiate.

"ART. 2. This armistice shall continue as long as the commissioners of the two Governments may be engaged in negotiations, or until the commander of either of the said armies shall give formal notice to the other of the cessation of the armistice, and forty-eight hours after such notice.

"ART. 3. In the mean time, neither army shall, within thirty leagues of the city of Mexico, commence any new fortification or military work of offence or defence, or do any thing to enlarge or strengthen any existing work or fortification of that character within the said limits.

"ART. 4. Neither army shall be reinforced within the same. Any reinforcements in troops or munitions of war, other than subsistence now approaching either army, shall be stopped at the distance of at least twenty-eight leagues from the city of Mexico.

"ART. 5. Neither army, nor any detachment from it, shall advance beyond the line it at present occupies.

"ART. 6. Neither army, nor any detachment or individual of either, shall pass the neutral limits established by the last article, except under flags of truce bearing the correspondence between the two armies, or on the business authorized by the next article; and individuals of either army who may chance to straggle within the neutral limits shall, by the opposite party, be kindly warned off, or sent back to their own army under flags of truce.

tions, or whether he designed to take advantage of the suspension of hostilities, for the purpose of strengthening the defences of the city. By the

"ART. 7. The American army shall not by violence obstruct the passage from the open country into the city of Mexico, of the ordinary supplies of food necessary to the consumption of its inhabitants, or the Mexican army within the city; nor shall the Mexican authorities, civil or military, do any act to obstruct the passage of supplies from the city or the country needed by the American army.

"ART. 8. All American prisoners of war remaining in the hands of the Mexican army, and not heretofore exchanged, shall immediately, or as soon as practicable, be restored to the American army against a like number (having regard to rank,) of the Mexican prisoners captured by the American army.

"ART. 9. * * * * [Omitted.] (See Mexican ratification.)

"ART. 10. The better to enable the belligerent armies to execute these articles, and to favor the great object of peace, it is further agreed between the parties, that any courier with dispatches that either army shall desire to send along the line from the city of Mexico or its vicinity to and from Vera Cruz, shall receive a safe conduct from the commander of the opposing army.

"ART. 11. The administration of justice between Mexicans, according to the general and state constitutions and laws, by the local authorities of the towns and places occupied by the American forces, shall not be obstructed in any manner.

"ART. 12. Persons and property shall be respected in the towns and places occupied by the American forces. No person shall be molested in the exercise of his profession; nor shall the services of any one be required without his consent. In all cases where services are voluntarily rendered, a just price shall be paid, and trade remain unmolested.

"ART. 13. Those wounded prisoners who may desire to remove to some more convenient place for the purpose of being cured of their wounds, shall be allowed to do so without molestation—they still remaining prisoners.

"ART. 14. Those Mexican medical officers who may wish to attend the wounded shall have the privilege of doing so, if their services be required.

"ART. 15. For the more perfect execution of this agreement, two commissioners shall be appointed—one by each party—who, in case of disagreement, shall appoint a third.

"ART. 16. This convention shall have no force or effect unless approved by their excellencies the commanders respectively of the two armies,

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terms of a treaty which had been furnished Mr. Trist by the Secretary of State, the boundary of the two countries was to be the Rio Grande, the

within twenty-four hours, reckoning from 6 o'clock, A. M., of the 22d day of August, 1847.

"J. A. QUITMAN,
Major General U. S. A.
"PERSIFER F. SMITH,
Brevet Brigadier General U. S. A.
"FRANKLIN PIERCE,
Brigadier General U. S. A.
"IGNACIO DE MORA Y. VILLAMIL.
"BENITO QUIJANO."

"HEADQUARTERS OF THE ARMY OF THE U. S. OF AMERICA,
TACUBAYA, *August* 23*d*, 1847.

"Considered, approved, and ratified with the express understanding that the word 'supplies,' as used the second time, and without qualification, in the seventh article of this military convention (American copy), shall be taken to mean—as in both the British and American armies—arms, ammunition, clothing, equipments, subsistence (for men), forage, money, and in general all the wants of an army. That the word *supplies* in the Mexican copy is erroneously translated 'viveres' instead of recursos.

"WINFIELD SCOTT,
General-in-chief U. S. Army."

"PALACIO NACIONAL DE MEXICO,
August 24*th*, 1847.

"Ratificado, suprimiéndose, el articulo 9º y con esplication del 4º en el sentido de que la paz temporal de este armiticio se observara en la capital y veinte ocholiguas al rededor; convenido en quela palabra *supplies* se traduzca, recursos, y que en ella se comprenda lo que pueda. Haba menester el ejercito, escepto armas y municiones.

"ANTONIO LOPEZ DE SANTA ANNA."

"HEADQUARTERS OF THE ARMY OF THE U. S. OF AMERICA,
TACUBAYA, *August* 24*th*, 1847.

"I accept and ratify the foregoing qualifications added by the President General of the Mexican Republic.

"WINFIELD SCOTT.

"By command of Major General Scott.

"H. L. SCOTT, A. A. A. General."

Executive Documents, 1*st session* 30*th Congress*, vol. 2, p. 356.

undisputed title of the United States to the State of Texas, and the cession by Mexico, of Upper and Lower California. New Mexico was to be guaranteed upon the payment of a sum which was to be the subject of negotiation.

To neither of these propositions were the Mexicans disposed to agree.* Negotiation was protracted for several days, without any prospect of producing a favorable result, and it was apparent that the contest would have to be decided by the arbitrament of the sword. On the 6th of September, a note was addressed by General Scott to the Mexican General-in-chief, complaining of the violation of several articles of the armistice,† which pro-

* "HEADQUARTERS OF THE ARMY OF THE UNITED STATES OF AMERICA, TACUBAYA, *September* 6, 1847.

"*To his Excellency the President and Commander-in-chief of the Mexican Republic.*

"SIR: The seventh Article, as also the twelfth, that stipulates that *trade shall remain unmolested*—of the armistice or military convention, which I had the honor to ratify and to exchange with your Excellency, the 24th ultimo, has been repeatedly violated, beginning soon after date, on the part of Mexico; and now I have good reason to believe, that, within the last forty-eight hours, if not earlier, the third article of that convention has been equally violated by the same party.

"Those direct breaches of faith give to this army the most perfect right to resume hostilities against Mexico, without any notice whatever; but to afford time for possible explanation, apology, and reparation, I now give formal notice, that unless full satisfaction on these allegations should be received by me, before 12 o'clock, meridian, to-morrow, I shall consider the said armistice at an end, from and after that hour.

"I have the honor to be your Excellency's most ob't serv't,

"WINFIELD SCOTT."

† "But I shall desist offering apologies, because I cannot be blind to the truth, that the true cause of the threats of renewing hostilities, contained in the note of your Excellency, is, that I have not been

duced a response from Santa Anna, the conclusion of which very nearly amounted to a threat.* Negotiations were broken off, and hostilities were re-

willing to sign a treaty which would lessen considerably not only the territory of the republic, but that dignity and integrity which all nations defend to the last extremity. And if these considerations have not the same weight in the mind of your Excellency, the responsibility before the world, who can easily distinguish on whose side is moderation and justice, will fall upon you.

"I flatter myself that your Excellency will be convinced, on calm reflection, of the weight of my reasons. But if, by misfortune, you should seek only a pretext to deprive the first city of the American continent of an opportunity to free the unarmed population of the horrors of war, there will be left me no other means of saving them but to repel force by force, with the decision and energy which my high obligations impose upon me.

"I have the honor to be your Excellency's very obedient servant,

"ANTONIO LOPEZ DE SANTA ANNA.

"A true copy of the original,—MEXICO, *September* 7, 1847.

"JOSE DE ROMERO."

Executive Documents, 1*st session* 30*th Congress*, vol. 2, p. 261.

* COUNTER PROJECT SUBMITTED TO MR. TRIST BY THE MEXICAN COMMISSIONERS.

"1st. There shall be firm and universal peace between the United States of America and the Mexican Republic, and their respective territories, cities, towns, and villages, not excepting persons or places.

"2d. All the prisoners of war made on either side, whether by sea or land, shall be released immediately after the signing of the present treaty. It is also agreed, that if any Mexicans are now captives in the power of any Indian tribe within the limits ceded by the 4th article to the United States, the Government of the said United States shall exact their release, and that they be restored to liberty and to their homes in Mexico.

"3d. Immediately after the exchange of the ratifications of this treaty, all the forts, places, and possessions, which may have been taken or occupied during this present war, within the limits fixed by the 4th article for this Republic, shall be restored to the Mexican Republic. In like manner shall be restored the artillery, arms, and ammunition that were in all the castles and strongholds when they fell into the power of the troops of the United States. With respect to the artillery taken outside of the said castles and fortified places, that which is still in the power of the United

sumed. At this time, the effective force of General Scott was not quite 9,000 men; and with this force an attempt was to be made to take the city, after

States troops shall be returned to Mexico at the date of the signing of the present treaty.

"4th. The dividing line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the southern mouth of the bay of Corpus Christi, shall run in a straight line from within the said bay to the mouth of the river Nueces, thence through the middle of that river, in all its course, to its source; from the source of the river Nueces shall be traced a straight line until it meets the present frontier of New Mexico, on the east-southeast side: it shall then follow the present boundary of New Mexico on the east, north, and west, until this last touches the 37th degree, which will serve as a limit for both Republics from the point in which it touches the said frontier of the west of New Mexico to the Pacific Ocean. The Government of Mexico promises not to found any new settlements or establish colonies in the tract of land which remains between the river Nueces and the Bravo del Norte.

"5th. As a just compensation for the extension of their old limits, which the United States acquire by the previous article, the Government of the said United States is bound to pay over to the Republic of Mexico the sum of ——, which shall be placed in the city of Mexico at the disposal of the said Government of the Mexican Republic, in the act of exchanging the ratifications of this treaty.

"6th. The Government of the United States is further bound to take upon itself, and satisfy fully, the claimants to all the instalments which are due up to this time, and may become due in future, by reason of the claims now liquidated and decided against the Mexican Republic, agreeably to the conventions arranged between the two Republics on the 11th of April, 1839, and 30th of January, 1843, in such manner that the Mexican Republic shall have absolutely no further payment to make on account of said claims.

"7th. The Government of the United States is also bound to take upon itself, and pay fully, all the claims of its own citizens, not yet decided against the Mexican Republic, whatever may be the title or motive from which they may proceed, or on which they are founded: so that from the date of the exchange of the ratifications of the present treaty, the accounts of every kind that exist, or may be supposed to exist, between the Government of Mexico and the citizens of the United States, shall remain settled definitely and for ever.

"8th. In order that the Government of the United States may be able

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the Mexicans had had more than two weeks to prepare for its defence, and to recover from the dismay produced by the victories of Contreras and Churu-

to satisfy, in observance of the previous article, the claims not yet decided, of its citizens against the Mexican Republic, there shall be established by the Government of the said United States a tribunal of commissioners, whose decision shall be conclusive and definitive: provided that, in deciding on the validity of any demand, it may be adjusted by the principl and rules which were established in the articles 1st and 5th of the c vention (not ratified) which was concluded in Mexico on the 20t November, 1843, and in no case shall a decision be given in favor of any claim which is not adjusted pursuant to the aforesaid rules. If the tribunal of commissioners deem it necessary for the just decision of any demand to examine books, registers, or documents, which are in the power of the Mexican Government, the Government of the United States shall make application for them, and either the originals or faithful copies shall be sent to it for the purpose of being, as they may, communicated to the said tribunal: it being understood that there shall not be made by the Government of the United States any application for the said books, registers, or documents, until it shall be specified in each case under oath, or with judicial sanction on the part of the claimant in the case, the facts sought to be proved with such books, registers, or documents.

"9th. All the temples, houses, and edifices, dedicated to the rites or exercises of the Catholic worship, in territories belonging hitherto to the Mexican Republic, and which, by the 4th article of this treaty, will be within the limits of the United States, shall remain dedicated to the same rites and exercises of the Catholic religion, without any change, and under the special protection of the laws. The same shall be the case with all property, movable and immovable, which, within the said territories, is dedicated to the support of the Catholic worship, or the support of schools, hospitals, and other establishments of charity or benevolence. Finally, the relations and communications of the Catholics, living in the same territories with their respective ecclesiastical authorities, shall be frank, free, and without any embarrassment, even though the said authorities have their residence within the limits which remain subject to the Mexican Republic in this treaty; nor shall there be any demarkation of ecclesiastical districts, except conformably to the laws of the Catholic Church.

"10th. The Mexicans residing in territory heretofore belonging to Mexico, and now in the limits of the United States, may at any time return to the Mexican Republic, preserving in the said territory the property

busco. The closing scenes of the war were re-opened by the sanguinary battle of Molino del Rey. On the 7th, a reconnoisance was made in the

they possess; may transfer and convey its value wherever it suits them, without, on this account, being liable to the exaction, by the United States, of any kind of contribution, tax, or impost. If the persons here treated of prefer to remain in the territories they now inhabit, they may preserve the title and rights of Mexican citizens, or at once acquire the title and rights of citizens of the United States, if they wish it. But in all cases they and their property shall enjoy the most ample security.

"11th. All the grants of lands made by Mexican authorities in territories belonging heretofore to the Republic, and by this treaty to be for the future within the limits of the United States, shall be valid and permanent, and shall be sustained and guarded for ever by the Government of the said United States.

"12th. The Republic of the United States promises solemnly, not to permit hereafter the annexation of any district or territory, comprehended in the limits which, by the present treaty, are assigned to the Mexican Republic. This solemn agreement has the character of a condition from the territorial cessions which Mexico now makes to the Republic of North America.

"13th. All goods now in the Mexican ports occupied by the North American troops, shall pay the duties established by the tariff of the Mexican Republic, provided they have not before paid duties to that Republic; but they shall not incur the penalty of confiscation.

"14th. The Government of the United States shall satisfy, according to just terms, the claims of Mexican citizens for the injury sustained in their affairs by the North American troops.

"15th. The present treaty shall be ratified," &c.

NOTE WHICH ACCOMPANIED THE COUNTER PROJECT.

"*To his Excellency, Señor D. Nicholas P. Trist, Commissioner, with full powers, of the Government of the United States, near the Government of the Republic of Mexico.*

"HOUSE OF ALFARO, AT CHAPULTEPEC, *Sept.* 6, 1847.

"The undersigned, commissioners of the Mexican Republic, to form with you an agreement of peace, placing in your hands the counter *projet* which they have formed in accordance with the last instructions of their Government, deem it opportune to accompany it with the observations which this note contains, which will serve to show more clearly the

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vicinity of Chapultepec, under the eye of the Commander-in-chief, which resulted in obtaining a fair observation of the configuration of the grounds, but without placing in the possession of the reconnoiter-

pacific disposition of Mexico in the contest which unfortunately divides both countries.

"Article 4th of the *projet*, which you were pleased to deliver to us on the evening of the 27th ultimo, and which was discussed at our previous conferences, imports the cession of part of Mexico. 1st. The State of Texas; 2d. Of the territory without the limits of the said State, which extends to the left bank of the Bravo and to the southern boundary of New Mexico; 3d. All New Mexico; 4th. Of the two Californias.

"The war which now exists has been caused solely on account of the territory of the State of Texas, to which the Republic of North America presents as a title, the act of the same State by which it annexed itself to the North American confederacy, after having proclaimed its independence of Mexico. The Mexican Republic agreeing, (as we have manifested to you that it does,) on account of the owing indemnity, to the pretensions of the Government at Washington to the territory of Texas, the cause of the war has disappeared, and it should cease, since all the reasons for continuing it has ceased to exist. In regard to the other territories comprehended in the 4th article of your *projet*, until now the Republic of North America has urged no claim, nor did we believe it possible that any could be alleged. It then could not acquire them but by right of conquest, or by that which would result from sale or cession, to which it would now force Mexico. But as we are persuaded that the Republic of Washington would not only absolutely repel, but would hold in odium the first of these titles, and as, on the other hand, it would be a new thing that war should be made upon a people for the simple reason that it refuses to sell a territory which its neighbor wishes to purchase; we hope, from the justice of the Government and people of North America, that the great modification which we have to propose of the cession of territory (without the State of Texas) which is claimed in the said article 4th, will not be considered a motive for continuing a war which the worthy general of the North American forces as justly characterized as *uncommon* (desnaturalizada).

"In our conferences we have declared to you that Mexico cannot cede the belt of land comprehended between the left bank of the Bravo and the right of the Nueces. The reason of this is not only the full certainty that the stated territory never has belonged to the State of Texas, nor that it is of great value, considered in itself. It is that this zone, with

ing party the nature of the defences which it was designed to carry. General Worth was ordered with his division, reinforced by three squadrons of dragoons, three pieces of field artillery, two battering guns, and

the Bravo at its back, forms the natural frontier of Mexico, as much in a military as in a commercial point of view; and of no people should it be claimed, nor should any people consent to abandon such a frontier. But, in order to remove all cause of dissension for the future, the Government of Mexico binds itself not to found new settlements or establish colonies in the space between the two rivers; in this manner preserving it in the depopulated state in which it now exists, presenting equal security to both republics. The preservation of this territory is, according to our instructions, a condition sine quà non of peace. Sentiments of honor and delicacy, (which your noble character will cause you to estimate properly,) more than a calculation of interest, prevent our Government from consenting to the dismemberment of New Mexico. On this point we believe it to be superfluous to add any thing to what we have already stated to you in our conferences.

"The cession of Lower California, little profitable to North America, offers great embarrassments, considering the position of that peninsula, opposite our coast of Sonora, from which it is separated by the Gulf of Cortez.

"You have given to our observations on this subject their true value, and we have learned with satisfaction that you have been convinced by them.

"Besides the preservation of Lower California it would be necessary for Mexico to retain a portion of the Upper; otherwise that peninsula would remain without land communication with the remainder of the Republic, which would always be a great embarrassment, especially for a non-maritime power, such as Mexico. The cession of the part of Upper California, offered by our Government, (for the compensation,) will not bring to the United States merely fertile lands and intact mineral wealth, but presents the advantage of an uninterrupted communication with its territories of Oregon. The wisdom of the Government of Washington, and the energy of the American people, will know how to draw abundant fruits from the acquisition which we now offer them.

"In Article 8 of your *projet*, the concession of a free passage by the Isthmus of Tehuantepec to the southern sea, is claimed in favor of the North Americans. We have verbally stated to you, that some years have elapsed since the Government gave a privilege of this kind to a particular individual, who afterwards transferred it, with the authority of the same

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Cadwalader's brigade, to storm the intrenchments, and destroy the machinery and material which it was supposed was in the foundry El Molino del Rey. It was discovered by Captain Mason of the engineer

Government, to English subjects, of whose rights Mexico cannot dispose. You will not complain, therefore, that in this point we cannot accede to the desires of your Government.

"We have entered into this ingenuous explanation of the motives of the Republic for not ceding all the territory beyond the boundaries of Texas, which is required of it, because we desire that the Government and North American people should be convinced that our partial negative does not proceed from sentiments of aversion generated by the events of this war, or what has caused Mexico to suffer, but only from considerations dictated by reason and justice, and which would equally influence it at any time with the most friendly people, and in the midst of relations of the strictest amity. The other alterations which you will find in our counter *projet*, are of less importance; and we believe that to them you will find no important objection. The contents of Article 12 have been already spoken of in your country. We flatter ourselves that your Government will not refuse to contract an obligation so conformable to honor, and to the harmony in which two neighboring people should live.

"Peace between the two countries will be most solemnly established, if a foreign power, (England,) which has in the present contest so nobly interposed its good offices, would now consent to guarantee the faithful observance of the treaty which may be entered into. The Government of Mexico understands that it would be convenient to solicit this guarantee.

"Our Government has commanded us to recommend to you that your decision upon the counter *projet*, which we have the honor to submit to you, should be communicated within three days.

"The salutary work of peace cannot, in our opinion, come to a happy termination, if each one of the contending parties should not resolve to abandon some of its original pretensions. This has in all cases happened, and all nations have not hesitated, in such cases, to make great sacrifices to extinguish the desolating flame of war. Mexico and the United States have special reasons for acting in this manner. Not without sorrow ought we to confess, that we are giving to humanity the scandalous example of two Christian people of two republics, in the view of all the monarchies, who, for a dispute concerning boundaries, mutually do themselves all the injury that is possible, when we have more land than is sufficient to populate and cultivate, in the beautiful hemisphere in which Providence has cast our lot. We venture to recommend these considerations to your Excellency,

corps, by a reconnoisance which exhibited great daring, that the left of the enemy occupied several strong stone buildings, called El Molino del Rey, in the vicinity of the castle of Chapultepec, and immediately under the guns of that celebrated fortress, while the right of his line rested upon another stone building, called Cassa Mata. Between these buildings was the Mexican field battery, which was defended by strong columns of infantry; and as this was considered the vulnerable point, Worth determined to attack and carry it.* For this purpose Colonel Garland's brigade was ordered to take position on the right, strengthened by two pieces of Captain Dunn's battery. A storming party of 500 picked men, under the command of Major Wright, was ordered to carry the centre, while the second brigade, with Colonel Duncan's battery, was directed to take position nearly in front of the Cassa Mata, and Cadwalader's brigade was held in reserve. At three o'clock on the morning of the 8th, the assaulting party advanced with great impetuosity, and took the enemy's battery at the point of the bayonet; but the Mexicans discovering by what a small body of men they had been driven from their guns, returned to the assault, and assisted by that

before you may take any definitive resolution on our propositions. We do ourselves the honor to offer to you our attention and respect.

"JOSE JOAQUIN DE HERRERA,
"BERNARDO COUTO,
"IGNACIO MORA Y VILLAMIL,
"MIGUEL ATRISTAIN."

See Mexican History of the War with Mexico.

* Report of General Worth, September 10th, 1847.

portion of the enemy who were protected in the Molino del Rey, they inflicted a terrible loss upon the Americans. The right wing of Cadwalader's brigade was ordered forward as a reinforcement, and the enemy were again driven from their guns with great slaughter. The battery under Duncan commenced rapid discharges upon the enemy's right, and the second brigade under the command of Colonel McIntosh, was ordered to assault the same position. That gallant brigade, composed of veterans, whose courage had been often tried upon the battle-field, advanced steadily to the charge. But, instead of finding that part of the ground defended by a field battery, they came at once in front of an almost impregnable stone citadel, strongly defended by a large body of Mexican infantry, who opened upon the advancing columns an appalling fire of musketry. Still the Americans closed up their ranks as fast as the storm of balls swept them away. Accustomed to carnage and slaughter, onward they advanced against the iron hail, which, without intermission, poured upon them an incessant tide of death, until they reached the very slope of the parapet which environed the citadel. But it required more than mortal endurance to withstand the sheet of fire which continued to pour from the Mexican lines; and the soldiers who composed that celebrated brigade, who upon many a bloody field had established a character for invincibility, faltered before the awful flame which blazed from the Mexican guns. Colonel Scott was killed, and Colonel McIntosh and Major Waite were desperately wound-

ed; and those hardy veterans, for the first time thrown into disorder, fell back, but rallied in the rear of Duncan's battery. In the mean time, Major Summer's command passed in front of the Cassa Mata, and within pistol shot of that citadel, for the purpose of gaining a more favorable position, and here the second scene of carnage occurred. Summer's command advanced with great gallantry; but before they could pass the Cassa Mata, five officers and thirty-three soldiers were wounded, six soldiers were killed, and twenty-seven horses were killed, and seventy-seven wounded. Duncan's battery now re-opened its fire upon the Cassa Mata, and in a short time the Mexicans were driven from it. Every point upon the field was now in the possession of the Americans; but they had purchased the victory by a sacrifice of life, which cast a gloom over the whole American army. When we take into consideration the strength of the Mexican position, the number of troops which defended it, the awful fury of the battle which raged for two hours before it was carried, and the horrible slaughter of the American troops, we can come to no other conclusion, than that it was by far the most bloody and sanguinary engagement which was ever fought upon this continent. The results of the victory have not been regarded as commensurate with the loss sustained by the American troops. There was no foundry to be destroyed, and to take the position, and then abandon it, has been regarded as doubtful policy. It is quite probable, that if Worth's division had been reinforced, the castle of

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Chapultepec could have been easily taken; but his command when flushed with victory, were prevented from reaping a *substantial* triumph, which the possession of the castle would have yielded. As it was, the principal fruits of the victory were the terror produced in the ranks of the enemy, by the obstinate and irresistible importunity of the American troops.*

The number of Mexicans engaged was more than 14,000, commanded by Santa Anna; while the Americans engaged did not exceed 3,100 men. The loss of the Americans in killed and wounded amounted to more than 700; and among the officers who lost their lives upon this memorable field, were some of the brightest ornaments of the service, who had often escaped death in the midst of slaughter.

General Worth, who was desirous of following up his victory by an attack upon Chapultepec, returned to Tacubaya under the reiterated orders of the Commander-in-chief.†

* "To set this matter at rest, let it be said that it is *now known* in Mexico, that Santa Anna was in possession of a copy of General Scott's order to attack the Molino del Rey, a few hours after it was written; and during the whole of the 7th, troops were, as you state, taking up their positions on that ground. It is believed, further, that Santa Anna knew the precise force that was to attack.

"When, therefore, Scott supposed that Worth would surprise the Mills and Cassa Mata, he was met by what? Shall the veil be raised a little further? There was a traitor among the list of high ranking officers in the Mexican army, and for gold he had told your force. Scott had been betrayed by one not an American, not an officer or soldier, but Santa Anna was betrayed by one of his own officers, and a Mexican. Santa Anna believed the information he received, and acted on it. General Scott did not believe what he learned at night, and—the victory was won."—*Note by the American Editor of the Mexican History of the War with Mexico.*

† "The second modification was in the end to be gained as the result

The supposition that General Scott entertained the belief that El Molino del Rey could be easily taken, could alone justify an isolated attack upon that point, not to be followed up by an assault upon the castle of Chapultepec, because the result of the victory was not commensurate with the loss sustained.

Reconnoisances were made along the southern part of the city, in the vicinity of the gates of Piedad, San Angel, San Antonio, and the Paseo de la Viga.* The approach in that direction was rendered extremely hazardous, and General Scott determined to attack the city from some other direc-

of the attack, and the reason for the modification is to be found in the different view which Worth entertained of the matter from that of General Scott. He believed that he was going to fight a battle, and he wished something tangible as the fruit of it. He believed the castle of Chapultepec was of great importance, and as it lay near the proposed field of battle he wished to extend operations to include its capture. His order was accordingly issued to the effect, that the commanders should make dispositions for the assault so soon as the enemy had been routed from the positions of his line at Molino del Rey."

"General Cadwalader and Colonel Duncan came down from Worth's headquarters to confer with him upon the subject; but as to the assault on Chapultepec, Scott was inflexible. He permitted the change in the time, but he directed the two officers to return to General Worth, and give him his positive orders that he should on no account advance beyond Molino del Rey; that he should effect the capture of that point, break up the machinery, and at once retire into Tacubaya. And Worth modified his order accordingly."

"Worth, however, was in the spirit for battle, and seeing the arrival of fresh troops, the thought of seizing Chapultepec while the enemy was broken and dispirited, recurred to him. Riding up to Pillow, he requested him to move down to Molino del Rey, to pass through and take position in the grove, in preparation to assault and carry the castle. Under the positive orders of the General-in-chief to the contrary, Pillow refused to comply."—*Ripley's History of the Mexican War*, Vol. 2, p. 363–4, 380.

* Report of General Scott to the War Department, September 18th, 1847.

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tion. On the 11th of September Quitman's division was ordered to join Pillow by daylight, south of the city; and by night those two commanders with their divisions were directed to join General Scott at Tacubaya. The first step in the plan of operations was to carry Chapultepec, which was absolutely necessary before the city could be attacked from the west. Heavy batteries were planted bearing upon Chapultepec, and the bombardment and cannonade were commenced on the morning of the 12th, and it was resolved to make the assault on the morning of the 13th, the moment being indicated by the cessation of the discharges from the heavy batteries, and the columns of Pillow and Quitman advanced to the attack. The route selected for Pillow's division was through a grove. While leading his men with great gallantry, Pillow was wounded, and the command devolved upon Cadwalader. About half way up the ascent was a formidable redoubt; this was soon carried by the gallantry of a company under the command of Capt. Chase. The troops continued to advance with great impetuosity, which tremendous discharges of artillery and musketry could not check. No opportunity was given the enemy to fire the mines which were laid along the ascent, without involving friends as well as foes in one common ruin. The wall of the main work was at length scaled, and the formidable castle of Chapultepec was in the possession of the Americans. While Pillow's division was advancing from the west, Quitman's approached along the causeway leading to the southeast. That

part of the Mexican defences were protected by strong works, which rendered it exceedingly difficult to approach Chapultepec from that direction. Several batteries were stormed and the division was gradually nearing the castle; while Shields' brigade and the second Pennsylvania volunteers crossed the fields under a tremendous fire, and carried the first wall which inclosed Chapultepec as Pillow's division stormed the heights. From the north an advance was made by the 11th and 14th infantry under Colonel Trousdale, who not only sustained their positions against superior numbers, but gallantly carried a battery which had been planted in the road. Among the officers who fell at the head of the troops was Colonel Ransom of the 9th, who was shot dead while heroically leading his regiment up the ascent from the west. Many other gallant officers were killed and wounded. It had been determined to follow up the attack upon Chapultepec by the capture of the city itself. There were two roads leading from the castle to the city; the one on the right passing through Piedad and entering the Belen gate, and the other called the San Cosme road, terminating in the gate of that name. These roads were both elevated causeways, wide enough for a double track. Upon both sides of these roads were erected formidable breastworks, which rendered the approach to the city extremely dangerous. The division under Worth advanced in the direction of the San Cosme gate, while that under Quitman was proceeding along the Belen road, and the operations of each were overlooked

by the Commander-in-chief, who occupied a position upon Chapultepec. Clarke's and Cadwalader's brigades were ordered to reinforce Worth's division, while that under Pierce was directed to support General Quitman. Before 6 o'clock in the evening Worth's division had forced the San Cosme gate, and turned upon the disordered Mexicans their own artillery, while one of his brigades was quartered within the city, and the pickets and patrols were advanced half way from the San Cosme gate to the Allameda. At 8 o'clock a mortar and twenty-four pounder were planted, and soon poured destructive missiles into the grand plaza, which had the effect of bringing to the headquarters of General Worth a deputation from the city authorities, a little past midnight, and who were by him dispatched in charge of an officer to General Scott.

General Scott believing that the San Cosme route was the most vulnerable point of attack, intended Quitman only to manœuvre in the direction of the Belen gate, for the purpose of facilitating the principal assault under Worth. But overcome with ardor, and gallantly supported by his officers and men, Quitman continued an onward movement in the face of front and flank fires, which produced great havoc among his troops. They continued steadily to advance, until they were within the city gates, where they rested for the night.

At 4 o'clock the next morning, September 14th, the deputation from the city waited upon the Commander-in-chief, with the information that the Government and the army had fled, leaving the city

to its fate. The deputation demanded terms of capitulation, which were refused by General Scott, who gave orders to Worth and Quitman at daylight to move into the heart of the city. Quitman's division proceeded first into the great plaza by the especial directions of the Commander-in-chief, although he might have been anticipated in that pleasure by General Worth, if the motions of neither had been controlled. Soon afterwards a fire was commenced upon the American troops by about 2,000 liberated convicts, and a similar number of Mexican troops, and it was 24 hours before the outbreak could be suppressed.

Great forbearance had characterized the conduct of General Scott ever since his entrance into the Mexican territory. After the decisive victories of the 19th and 20th of August, he had tendered an offer of negotiation to the vanquished, instead of following them at once into the city. And after the American arms had triumphed again and again over greatly superior numbers, and the impossibility of defending the city had been demonstrated, the entrance of the American forces had been orderly and soldierlike, and it was only when disbanded soldiers and liberated convicts commenced a cowardly assault from windows and the roofs of houses, that the horrors ensued which must follow a combat of that description, and for which the Mexicans and not the Americans should be blamed.

The city of Mexico was now in the possession of the American army, and the stars and stripes waved in triumph on the national palace. This

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brilliant achievement had not been obtained without great loss. At the battles of Contreras and Churubusco, the loss of the Americans was 137 killed and 877 wounded; at Molino del Rey, in killed and wounded and missing, 789; at the storming of Chapultepec, and the capture of the city, 130 were killed and 703 wounded. The loss of officers in these engagements was 33 killed and 179 wounded. Although the slaughter was great, yet the triumph of so small an army, who succeeded in driving a greatly superior force from one intrenchment to another, and that, too, in the very heart of the enemy's country, was certainly unsurpassed in the annals of military warfare. After he had garrisoned Chapultepec, the force with which General Scott advanced against the city was less than 6,000 men, while the army under Santa Anna before the battle of Contreras, was more than 30,000. Intrenched behind formidable defences, which were protected by powerful trains of artillery, and fighting under the eyes of the people of Mexico, with the capital of the country as the prize for which they contended, the success of the American arms seems almost miraculous. That the Mexicans fought with great desperation is proved by the immense loss which they sustained, amounting in killed and wounded to more than 7,000. 3,730 prisoners were taken, among the number being 13 generals. With the loss of the city was destroyed the morale of the Mexicans, who gave up the struggle in despair, and disbanded, leaving their capital and their country in the possession of the conquerors.

The spectacle which was presented on the morning of the 14th to the citizens of Mexico, by the entrance of the American troops, must have been startlingly grand and imposing. They saw for the first time those terrible legions, who, upon the many bloody fields which signalized this war, had established a character for invincibility. The slow and measured tread, and the calm, stern countenance, marked the progress of Worth's regulars; while the gallant bearing, youthful appearance, and enthusiastic movements of Quitman's division, designated them as the volunteers. They were no holiday soldiers, decked with waving plumes, and gilt trappings, but the resolute and invincible soldiers, whose prowess had conquered an empire.

The Americans who composed the army of invasion, were certainly remarkable for their skill and gallantry. The regulars had seen service upon many sanguinary fields, and their high state of discipline, and steady bravery in the hour of battle, rendered their movements always irresistible, while the volunteers, who had left their homes to obtain renown in the face of the enemy, were celebrated for their reckless impetuosity.

The officers by whom they were commanded, were composed of some of the brightest ornaments in the service. Their movements were directed by the vast experience and unrivalled military skill of General Scott, who was surrounded by the scientific and brilliant Worth, the experienced and impetuous Twiggs, the energetic and gallant Pillow, the brave and daring Quitman, the cool and skilful Cadwal-

ader, the fiery and reckless Shields, the calm and resolute Pierce, the profound and able Smith, and the dashing and sagacious Duncan; besides an array of distinguished officers who would have rivalled the splendid array of Napoleon's Marshals.

When we take into consideration the numbers of the invading army, and the obstacles to be overcome before the city of Mexico could be taken at the mouth of the cannon, we can come to no other conclusion, than that the second conquest of Mexico was won under far more threatening dangers, than lay in the path of Fernando Cortez.

Soldiers and volunteers from all portions of the Union composed the army of invasion, and were equally distinguished for gallantry and good conduct. The New Englander fought by the side of the Southerner—the citizen from the Atlantic coast, and from the far West, mingled together where freemen were contending for the honor of their native land. Emulation and rivalry prompted each to seek that spot where fame was to be acquired. Commanders and subordinates exhibited a reckless disregard of danger, and all united in upholding the honor of the country amid the horrors of battle, and assisted to cover with immortal renown those terrible legions who bore aloft the banner of the Union, until it floated in triumph over the "Halls of the Montezumas."

Defeated at all points, and driven from the capital, Santa Anna resigned the presidency, and determined to attack the American garrison stationed at Puebla. That city was defended by 500 effective,

and 1,800 disabled men, who were attacked on the 18th of September by a party of Mexicans. Santa Anna reached Puebla on the 22d of September, and on the 25th summoned Colonel Childs to surrender, which was peremptorily refused. An attack was commenced on the 27th, without, however, making any impression. Finding himself foiled in that quarter, Santa Anna left Puebla on the 1st of October, with a column of about 4,000 men, for the purpose of cutting off a detachment of Americans, who were on their way from Vera Cruz to the headquarters of General Scott. The blockade of the Americans in Puebla was continued until the 12th of October, when it was raised by a party of American troops, who had arrived from the coast. In the mean time, it was determined by the Cabinet in Washington, to dispatch a portion of the army of the north, under General Lane, as a reinforcement to the army of invasion. Before they arrived, however, about 1,000 recruits for the regular army left that city under the command of Major Lally, who encountered and defeated the Guerilleros at Paso de Ovega, Puente Nacional, and at Cerro Gordo. The reason Lally and his command was forced to fight their way to Jalapa, was the belief entertained by the Mexicans that he had in his train a large amount of money.

On the 20th of September, General Lane took up his line of march with about 2,500 soldiers, and arrived at Jalapa, and effected a junction with the command under Lally. The combined forces moved on in the direction of Puebla. Information was ob-

tained by General Lane that the Mexican troops under Santa Anna were stationed at Huamantla, several miles from the high road. On the 9th, the Americans attacked the troops under his command, and having dispersed them, Lane continued his march to Puebla, where he arrived on the 12th of October.

After the resignation of Santa Anna, the executive power passed under the control of Peña y Peña, who attempted to organize a government at Toluca, on the 27th of September, 1847. The seat of government was soon after removed to Queretaro. A great desire was now felt by the administration as well as by our troops in Mexico, that the Mexican Government should be able to sustain itself in the attempt to negotiate a peace. General Añaya was elected President, to serve until January, 1848. Peña y Peña and Rosa were appointed cabinet officers. They were in favor of negotiation; while Bustamente, who was opposed to that policy, was appointed Commander-in-chief of the army, for the purpose of conciliating him. Communications passed between Rosa and the American Commissioner; and to prove that the Mexican Government were now seriously disposed to terminate the war, they appointed commissioners in November, to conclude a treaty of peace.

On the 1st of September another and still more positive intimation was given from the War Department to General Scott, to force contributions from the Mexicans, and this in view of the posses-

pion of the city of Mexico by the troops under his command.*

The propositions which the Mexicans made during the armistice which preceded the battle of Molino del Rey, and the offer of Mr. Trist to refer the question of title to the country lying between the Rio Grande and Nueces to the Government at Washington, produced a letter from Mr. Buchanan, on the 6th of October, 1847, in which Mr. Trist was ordered to return home. This command was reiterated, and on the 6th of October,

* "The obstinate persistence of the Mexicans in refusing to treat, their utter disregard of the rules of civilized warfare, and the large expenditures which we are compelled to make, has impressed on the President the firm conviction that those rights of exacting contributions from the enemy, which are conferred on a belligerent by the acknowledged law of nations, should be exercised. Your remarks in your dispatch, No. 28, dated at Jalapa, May 20th, 1847, have been carefully observed. Your circumstances are since materially changed; and if, as we doubt not, you have triumphantly entered the city of Mexico, the President directs me again to call your attention to the dispatch to this Department of the 3d of April last, a copy of which is here inclosed. The property-holders of Mexico have no claim to find in the market afforded by sales to our army, an actual pecuniary benefit resulting from the war. They must be made to feel its evils, and it is earnestly hoped and expected that you will not find, in your present circumstances, a necessity to adhere to your opinion, expressed in your dispatch referred to, that a resort to forced contributions will exasperate and ruin the inhabitants, and starve the army. Contributions may be exacted from cities, or states, or wealthy individuals, and payment made for provisions and other supplies brought to the camp, or collected in kind. It is not improbable that men of wealth and means may profess to belong mainly to the peace party; and it may be apprehended that they will be driven from their pacific position by coercive proceedings. But however such an effect may be apprehended, it is more probable that their exertions to promote a termination of the war will be made more serious and efficient when they feel the oppressive evils of the state of war."—*Letter from John Y. Mason, Acting Secretary of War, to General Scott, September 1st*, 1847.

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the Secretary of War addressed a letter to General Scott, informing him that the powers vested in Mr. Trist had been revoked, and directing him to inform the Mexican Government of that fact.* In the same communication, the Commander-in-chief was directed to forward any propositions the Mexicans might make to the Government at Washington, but not to relax his exertions in the prosecution of hostilities.† The designs of the administration were thus fully communicated to the Commander-in-chief, and Mr. Trist. It was determined to transfer the negotiations from Mexico to Washington, and for this purpose the powers which had hitherto been invested in Mr. Trist were annulled. But that individual, with a strange and unaccountable pertinacity, still determined to act as the Commissioner of the United States, and positively refused to obey the injunctions of the Secretary of State. In the meantime volunteers and regulars, under the command of Generals Butler and Patterson, continued pouring into the valley of Mexico, and by the 20th of December, the American troops

* "The views of the Government in relation to propositions and negotiations for concluding a peace, are disclosed in a dispatch from the Department of State to Mr. Trist, a copy of which accompanies this communication. By it you will perceive that he is recalled. You will embrace a proper occasion to notify the Mexican authorities of this fact." —*Letter of Mr. Marcy to General Scott, October 6th*, 1847.

† "Should they offer, through you, terms of accommodation, or propose to enter on negotiations, the President directs that such propositions be forwarded without delay to him; but it is not expected that your movements or measures for carrying on hostilities will thereby be relaxed or in any wise changed."—*Secretary of War to General Scott, September 1st*, 1847.

in the vicinity of the capital amounted to 15,000 men.

Detachments from this force were sent in different directions from the capital; contributions were levied and enforced, and the whole power of the army was brought to bear for the purpose of forcing the Mexicans to agree to terms.

On the 2d of February, 1848, the labors of Mr. Trist, which were conducted upon his own responsibility, produced a paper, signed at Guadalupe Hidalgo, which was transmitted by the order of General Scott to the Government at Washington.* The course pursued by the Commander-in-chief towards Mr. Trist was somewhat remarkable. In the letter of the Secretary of War, of September 1st, he was distinctly informed that Mr. Trist was recalled, and that all communications which the Mexicans thereafter made, relative to the establishment of a treaty of peace, should be transmitted to Washington. After he had received those instructions, General Scott knew that no one in Mexico was empowered to conclude a treaty, and that the course pursued by Mr. Trist was an unauthorized assumption of power. Still he forwarded the result of the illegal acts of Mr. Trist to Washington, and instead of

* "I write in haste, by the express who carries the project of a treaty that Mr. Trist has, at the moment, signed with the Mexican Commissioners.

"In about forty days I may receive an acknowledgment of this report. By that time, if the treaty be not accepted, I hope to be sufficiently reinforced to open the commercial line between Zacatecas and Tampico." —*Letter of General Scott to the Secretary of War, February 2d, 1848. Volume 7, Executive Documents, 1st session 30th Congress.*

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prosecuting the war vigorously, he awaited the answer to his report of February 2d, 1848.

It was undoubtedly the duty of General Scott to obey the orders that were issued from the War Department, and thus set an example to the whole army of subordination to superior officers.

The difficulties which had occurred between the Commander-in-chief and several of the distinguished officers of the army, induced the President on the 13th of January, 1848, to grant the desire which General Scott had expressed on the 4th of June, 1847, for his recall,* and the command of the army devolved upon General Butler.

The charges which General Scott made against Pillow and Duncan had to be investigated. It was due to all parties that it should be done; and as the war in effect had been terminated by the possession of the enemy's country, there was no more appropriate time for an examination of the charges made by General Scott, than that which was selected.

* "SIR; In view of the present state of things in the army under your immediate command, and in compliance with the assurance contained in my reply to your letter of the 4th of June, wherein you ask to be recalled, the President has determined to relieve you from further duty as commanding general in Mexico."

"Desirous to secure a full examination into all the matters embraced in the several charges which you have presented against Major General Pillow and Brevet Lieutenant Colonel Duncan, as well as the charges or grounds of complaint presented against you by Brevet Major General Worth, and deeming your presence before the court of inquiry which has been organized to investigate those matters, indispensably necessary for this purpose, you are directed by the President to attend the said court of inquiry wherever it may hold its sittings," &c. &c.—*Letter of the Secretary of War to General Scott, January 13th, 1848. Executive Documents, 1st session 30th Congress*, vol. 7.

Besides, the Commander-in-chief, several months before, had expressed a wish to be relieved from the command of the army,* and he had received assurances that his desire would be complied with when the public service would justify it.† This request of the General-in-chief created some surprise at Washington, where it was known that he had manifested an anxious desire to receive, in person, the command of the armies in the field.‡

What those grievances were of which General Scott complained, were set forth in detail in his letter of February 24th, 1848.

That document set out with some extraordinary assumptions,§ and contained several specifications

* "Considering the many cruel disappointments and mortifications I have been made to feel since I left Washington, or the total want of support and sympathy on the part of the War Department which I have so long experienced, I beg to be recalled from this army the moment that it may be safe for any person to embark at Vera Cruz, which I suppose will be early in November."—*Dispatch of General Scott to the Secretary of War, June 4th, 1847. Executive Documents, 1st session 30th Congress,* vol. 7, p. 994.

† "Regarding the inducements you have assigned for begging to be recalled, as deserving to have very little influence on the question, it will be decided by the President with exclusive reference to the public good. When that shall render it proper, in his opinion, to withdraw you from your present command, his determination to do so will be made known to you."—*Letter of the Secretary of War to General Scott, July 12th,* 1847. *Executive Documents, 1st session 30th Congress,* vol. 7, p. 1002.

‡ "Considering that you had claimed, as a matter of right due to your superior rank, to be placed at the head of our armies in the field, in a state of actual war, and had earnestly besought that position as a matter of favor, the President was not a little surprised that, after so brief a period of service, you should ask to be recalled."—*Ibid.*, p. 1001.

§ "As the officers detailed for the court of inquiry before which I am ordered to appear as a criminal, are not known to have arrived in the country, I avail myself of a moment's leisure to recall some of the neglects,

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which were triumphantly refuted by the Secretary of War, in an argument, which for logical power has seldom been surpassed, and obtained for its author a high reputation.

The first charge made by General Scott was the want of time which was allowed him before his departure from Washington, only four days having been granted, when twenty might have been employed with great benefit to the service. To which Mr. Marcy responded that he was not restricted as to time, and that it was not until after he had reported himself ready for departure, that he was ordered away; and that instead of going directly to Mexico, his desire was granted to pass through New-York, where he remained nearly a week; and that he did not arrive in New-Orleans until 26 days after he left Washington.*

Another accusation was a refusal upon the part of the cabinet to permit one of three accomplished captains whom he had named, to act as his assistant adjutant-general, alleging that there was a vacancy which he desired to be filled by one of those persons. This the administration could not grant, first upon the ground that there was *no* vacancy, and if there had been, a compliance with his wishes would have produced a violation of the rules which governed the service. He then charged upon the ad-

disappointments, injuries and rebukes which have been inflicted upon me by the War Department since my departure from Washington, November 23d, 1846."—*Letter of General Scott to the Secretary of War, February 24th*, 1848.

* Letter of the Secretary of War to General Scott, April 21st, 1848. Executive Documents, 1st session 30th Congress, vol. 2, p. 1,228.

ministration a failure, to supply the necessary vessels to transport the troops from Tampico and the Brazos to Vera Cruz, and that his operations were delayed from the 15th of January until the 9th of March.* If there is any force at all in this charge, it means that on the 15th of January the army under General Scott was ready to embark at that time, and for want of transportation, occasioned by the fault of the Government, they were delayed until the 9th of March. There are two facts which conclusively answer this complaint. First, the regulars from Taylor's column, who were an important part of Scott's force, did not arrive at the place of embarkation until after the 25th of January, ten days subsequently to the time indicated by the Commander-in-chief as the period when he was ready to embark; and second, he bore testimony himself to the faithful performance of his duty by the Quartermaster General,† who was subject to his orders, and was in a position to execute them with the greatest promptitude.

The complaint which he made of being rebuked for releasing on parole the prisoners taken at Cerro

* "Relying upon them, confidently, the embarkation was delayed in whole or in part, at the Brazos and Tampico, from the 15th of January to the 9th of March, leaving, it was feared, not half the time needed for the reduction of Vera Cruz and its castle before the return of the yellow fever." —*Letter of General Scott to the Secretary of War, February 24th, 1848. Executive Documents, 1st session 30th Congress*, vol. 7, p. 1220.

† "The Quartermaster General, Brevet Major General Jesup, at New-Orleans, I find, has taken all proper measures with judgment and promptitude, to provide every thing depending on his department for the dispatch and success of my expedition."—*Dispatch of General Scott to the Secretary of War, January 26th, 1847. Executive Documents, 1st session 30th Congress*, vol. 7.

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Gordo, is far from being sustained by the language which was addressed to him on that subject.*

It was very unfortunate for General Scott that he brought his accusations against the administration; and so far from evincing sympathy from the American people and improving his prospects for the Presidential chair, his warmest friends felt that his hopes were blasted by the crushing reply of the Secretary of War. The opposition members of Congress who were disposed to favor the nomination of General Scott for the Presidency, expected to increase his popularity by the publication of the correspondence between himself and the War Department; while others, whose preferences were exhibited for another military chieftain, hoped by bringing odium upon the administration, to obtain a triumph over the democratic party. Foiled in their expectations, they could only express their indignation, because Mr. Marcy furnished under the call of the House of Representatives of the 17th of April, 1848, his celebrated reply to General Scott, dated on the 21st.†

On the 18th of February, 1848, the Commander-in-chief of the army of invasion was informed that he was relieved from further duty in Mexico. It is a subject of much regret, that one who had led our conquering legions to the far-famed Halls of the Montezumas, could not still retain the command

* Letter of the Secretary of War to General Scott, May 31st, 1847.

† The letter of General Scott and the reply of the Secretary of War can be found in the Appendix. Volume 7 Executive Documents, 1st session 30th Congress, pp. 1218 to 1251 inclusive.

until the treaty of peace was ratified. As it was, however, he had won all the glory which could be obtained in that celebrated campaign, and the position bestowed upon Butler as his successor, conferred but an empty honor.

Although a brave, courteous, and gallant officer, General Butler had many superiors in point of military skill, in the valley of Mexico. The necessity which rendered his appointment imperative, is a subject of much regret. To rank those heroic chieftains who had assisted to elevate the military renown of our country upon the sanguinary fields of Mexico, with an officer who had participated to only a limited degree in the contest, should, if possible, have been avoided. If honor was to be conferred, almost every General Officer in the valley was entitled to the position. If danger was apprehended, the profound military skill and great abilities of General Worth, designated him as the appropriate successor of General Scott.* He possessed the ardor and impetuosity of Murat, the bravery and inflexible determination of Ney, the ability and judgment of Massena, and the bearing and frankness of Macdonald.

The document signed by Mr. Trist, at Guadalupe Hidalgo, was received by the President in February, 1848, and produced at Washington a strong feeling of indignation against Mr. Trist for

* It was supposed that the President was induced to order Butler to Mexico, owing to the feelings with which Pillow had inspired the army. He was next in rank to General Scott, and consequently would have succeeded him in the command of the army, but for the presence of General Butler.

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his unauthorized assumption of power. Mr. Polk submitted the document to his constitutional advisers, and after a warm and animated debate, the treaty, with certain amendments, was ratified March 10th, 1848, thirty-eight Senators voting for, and fourteen against it. Messrs. Sevier and Clifford were appointed Commissioners for the purpose of obtaining a ratification of the treaty from the Mexican Government at Queretaro, which was done on the 30th of May, 1848. The Americans soon after evacuated the Mexican territory.* The results of the war

* "TREATY

Of peace, friendship, limits and settlement between the United States of America and the Mexican Republic. Dated at Guadalupe Hidalgo, February 2, 1848; ratified by the President of the United States, March 16, 1848; exchanged at Queretaro, May 30, 1848; proclaimed by the President of the United States, July 4, 1848.

"BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

"A PROCLAMATION.

"Whereas, a treaty of peace, friendship, limits, and settlement, between the United States of America and the Mexican Republic, was concluded and signed at the city of Guadalupe Hidalgo, on the second day of February, one thousand eight hundred and forty-eight, which treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is word for word as follows:

"In the name of the Almighty God: the United States of America, and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two people should live, as good neighbors, have for that purpose appointed their respective plenipotentiaries, that is to say, the President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said republic, who, after a reciprocal communication of their respective full

with Mexico, which was thus terminated by a treaty of peace, will exert a vast influence over the destiny of the confederacy. The alacrity with which the

powers, have, under the protection of the Almighty God, the author of peace, arranged, agreed upon, and signed the following

Treaty of peace, friendship, limits, and settlement, between the United States of America and the Mexican Republic.

"ARTICLE I.

"There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

"ARTICLE II.

"Immediately upon the signature of this Treaty, a Convention shall be entered into between a commissioner or commissioners, appointed by the General-in-chief of the forces of the United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

"ARTICLE III.

"Immediately upon the ratification of the present treaty by the Government of the United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the Government of the Mexican Republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican Republic, to the points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay; the Mexican Government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner, orders shall be dispatched to the persons in charge of the custom-houses, at all ports occupied by the forces

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volunteers rushed to the standard of their country, and bore it aloft into the heart of the enemy's territory, and the gallantry with which they preserved

of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debts for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of the ratification of this Treaty by the Government of the Mexican Republic; and also on account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the city of Mexico, within three months after the exchange of the ratifications.

"The evacuation of the capital of the Mexican Republic, by the troops of the United States, in virtue of the above stipulations, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

"ARTICLE IV.

"Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following article, shall be definitely restored to the said Republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured and which shall remain there at the time when this treaty shall be duly ratified by the Government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be dispatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, &c.

"The final evacuation of the territory of the Mexican Republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible: the Mexican Government hereby engaging, as in the foregoing article, to use all means

its folds unsullied in the midst of carnage and slaughter, stamped the Americans as the most military nation of modern times. There was no neces-

in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

"If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the General-in-chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places, at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season, shall be understood to extend from the first day of May to the first day of November.

"All prisoners of war, taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed, that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the Government of the United States will exact the release of such captives, and cause them to be restored to their country.

"ARTICLE V.

"The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea, from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico, thence westwardly along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence northward along the western line of New Mexico until it intersects the first branch of the river Gila, (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same,) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio

sity for drafting, or of resorting to the services of a press-gang to fill the ranks of the army; but at the first roll of a Mexican drum within the borders of

Colorado, following the division line between Upper and Lower California to the Pacific Ocean.

"The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled, 'MAP OF THE UNITED MEXICAN STATES, as organized and defined by various Acts of the Congress of said Republic, and constructed according to the best authorities. Revised edition. Published at New-York, in 1847, by J. Disturnell.' Of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific ocean, distance one marine league due south of the southernmost point of the port San Diego, according to the plan of said port made in the year 1782, by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners Sutil and Mexicana, of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

"In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both Republics, as described in the present article, the two Governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

"The boundary line, established by this article, shall be religiously respected by each of the two Republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with its own constitution.

the Union, the American people were literally in arms. The powers of Europe, who had regarded us merely as a nation of traders, were startled by an

"ARTICLE VI.

"The vessels and citizens of the United States shall, in all times, have a free and uninterrupted passage by the Gulf of California, and by the river Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government.

"If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the Governments of both Republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

"ARTICLE VII.

"The river Gila, and the part of the Rio Bravo del Norte, lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two Republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels, or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

"The stipulations contained in the present article shall not impair the territorial rights of either Republic within its established limits.

"ARTICLE VIII.

"Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United

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exhibition of military enthusiasm, unequalled since the days of the crusades; and they will pause before they encroach upon the rights of a people who

States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

"Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

"In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample, as if the same belonged to the citizens of the United States.

"ARTICLE IX.

"The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

"ARTICLE X.

[Stricken out.]

"ARTICLE XI.

"Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be

are so ready to wash out with blood every stain upon the national honor. The most effectual way to prevent aggressions, is not only to possess sufficient

under the exclusive control of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of the United States whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted all in the same way, and with equal diligence and energy as if the same incursions were meditated or committed within its own territory, against its own citizens.

"It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two Republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

"And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the Government of the latter engages and binds itself in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican Government. The Mexican authorities will, as far as practicable, give to the Government of the United States notice of such captures; and its agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the meantime, shall be treated with the utmost hospitality by the American authorities at the place where they may be; but if the Government of the United States, before receiving such notice from Mexico, should obtain intelligence through any other channel of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

"For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said Government

ability, but the requisite amount of military ardor to resent them. It is true that the war cost the United States a large amount of money; and what

when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States, but on the contrary, special care should be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States has solemnly obliged themselves to restrain.

"ARTICLE XII.

"In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars.

"Immediately after this treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said Government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same, at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican Government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

"ARTICLE XIII.

"The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican Republic, under the conventions between the two Republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirteenth day of January, eighteen hundred and forty-three; so that the Mexican Republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

"ARTICLE XIV.

"The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and

is of far more importance, the lives of many men.* That, however, was the inevitable result of a vindication of the national honor. The number of troops

perpetual, whether the said claims be rejected or be allowed by the Board of Commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

"ARTICLE XV.

"The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and con-

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* "THE REGULAR ARMY.

"Statement A shows, on the extreme right, in the first line of figures, the strength of the army at the commencement of hostilities with the Republic of Mexico, April, 1846, 7,244. The force on the frontier of Texas, May, 1846, present and absent, 3,554, of which 131 were sick. Troops sent to Mexico, including recruits, 23,136, of which 12,551 are of the old establishment, and 10,585 new regiments, which, with the force on the Rio Grande in May, 1846, makes the whole number of the regular army employed every where in the prosecution of the war, inclusive of December, 1847, about 28,690, besides a battalion of marines, (350.) Twenty-nine thousand men have been recruited since the 13th of May, 1846, and 23,550 sent to Mexico, which exceeds the number joined as reported on the rolls and returns, many of which are wanting. (See the Table "Remarks," paragraph 5.)

"The statement shows that the regular force in Mexico, New Mexico, and California, was, in December, about 21,202; and since the 1st of January 2,493 recruits have been sent to the army, which increases the regular troops in all Mexico, it is estimated, to about 23,695. The six companies stationed in the United States, (556,) and 1,200 recruits in depot and at rendezvous, (total 1,760,) carry up the regular army every where, on the rolls, to about 25,445.

Table B presents a detailed view of the number of officers and men of the regular army killed and wounded in battle, died of wounds from the first conflict of the reconnoitering party, under Captain Thornton, on the left bank of the Rio Grande, April 25, 1846, to the close of the campaign of 1847, in which the battles, and the regiments and corps engaged, are specified."

CASUALTIES.

"Old Establishment.—Discharges by expiration of service, 1,435; for disability, 887; by order and civil authority, 253. Total, 2,575.

"Deaths.—Killed in battle, 45 officers, 434 men. Died of wounds, 19

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which were called into service, was small, when we take into consideration the magnitude of the struggle in which we were engaged. Of that number,

sidering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one quarter millions of dollars. To ascertain the validity and amount of those claims, a Board of Commissioners shall be established by the Government of the United States, whose awards shall be final and

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officers, 331 men. Total killed and died of wounds, 64 officers, 765 men; ordinary deaths, 44 officers, 1787 men. Total deaths, 108 officers, 2,552 men. Aggregate, 2,660. Wounded in battle, 130 officers, 1,799 men. Aggregate, 1,929. Resignations. 32, in 1840 and 1847. Desertions, 1,637, of which 9 are marines.

"Additional Regiments.—Discharges by expiration of service, 2; for disability, 248; by order and civil authority, 56. Total, 306. Deaths.—Killed in battle, 6 officers, 62 men. Died of wounds, 4 officers, 71 men. Total killed and died of wounds, 10 officers, 133 men. Ordinary deaths, 38 officers, 977 men. Total deaths, 38 officers, 1,110 men. Aggregate, 1,148. Wounded in battle, 41 officers, 427 men. Aggregate, 468. Resignations, 76; desertions, 445.

THE VOLUNTEER SERVICE.

"Statement C exhibits in detail, by States, regiments, and corps, the whole number of volunteers mustered into the service from May, 1846—of which 15,911 are mounted men, 1,164 artillery, and 54,234 infantry; making an aggregate of 71,309, including 3,087 commissioned officers. From this number it is proper to deduct the force not called out by authority of the War Department, nor called out under the Act of May 13, 1846, and also the number mustered; but soon after discharged as supernumerary. This class is embraced in the three and six months' men, and two regiments of twelve months' men from Ohio and Missouri, and one company from Iowa, amounting to 14,383; of which 2,774 were discharged a few days after being mustered into service, (except the company,) not being required to proceed to the seat of war. Deducting this class of volunteers from the aggregate mustered and paid, (71,309,) the force enrolled under the Act of May 13, 1846, and under the 5th section of March 3, 1847, which authorizes the President to accept the services of "individual volunteers," to fill vacancies, &c., is about 56,926 officers and men. But this number was farther reduced by discharges, &c., before the battalions had left the United States; and it is probable the num-

but a small portion encountered the enemy in the field; and that gallant band in less than seventeen months, repulsed an arrogant foe from our soil, fol-

conclusive: *provided*, that in deciding upon the validity of each claim, the Board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November, one

ber exceeded but little, if any, 50,000 men, when put en route for the army.

"So far as can be ascertained from the latest returns received, it appears that the volunteer force for the war and for twelve months, (2,017) now employed in Mexico, New Mexico, and California, (25,260) and eleven companies (1,082) within the limits of the United States, the sick included, amounts to 1,456 officers and 24,886 men; aggregate, 26,342, being 7,589 less than the number of the same regiments and companies (war men) when first mustered into service. But this difference does not show the actual loss; first, because the greater number of the individual volunteers enrolled, (i. e. recruited,) among which there is much loss, had not joined their regiments at the date of the last returns, and were not, of course, taken up on the rolls, but they are included in the table, in the aggregate "received into service." And second, the casualties, i. e., discharges and deaths (ordinary) exhibited in the statement, must be considerably under the actual number, owing to the missing muster rolls yet due from many of the regiments, from which the information alone can be obtained.

"Table D presents a detailed view of the volunteer officers and men killed and wounded in battle, and died of wounds, in which the several battles, the regiments engaged, and the States where raised, are specified, and may be regarded as supplemental to statement C, as table B is to statement A, with respect to the regular forces.

"The following general statement presents a condensed view of the various objects of inquiry respecting the volunteer forces, seen in detail in the tabular statement C.

"Three months' men: The strength when mustered into service was 1,390, when discharged 1,269, being a loss of 121. Discharges before the expiration of the term, 82, of which 3 were for disability. Deaths, 18; ordinary, 8; killed in battle and died of wounds, 10. Desertions, 22.

"Six months' men, (but held only for three months, the legal term:) Strength when mustered into service, 11,150, and when discharged, 9,559; loss, 1,591. Discharges before the expiration of the term, 826,

lowed his retreating footsteps, storming his cities, driving him from his strongholds, and defeating his troops in the open field, against tremendous odds,

thousand eight hundred and forty-three; and in no case shall an award be made in favor of any claim not embraced by these principles and rules.

"If, in the opinion of the said Board of Commissioners or of the claimants, any books, records, or documents in the possession or power of the

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of which 370 were for disability. Deaths, 127; ordinary, 107; killed in battle and died of wounds, 6; accidental, 14; desertions, 524.

"Twelve months' men: Strength when mustered into service, 26,344; when discharged, 18,724; loss, 7,620, including loss or difference between original and present strength of 21 companies twelve months' men still in service, 2,017 strong at the last returns. Discharges before the expiration of the term, 4,391, of which 3,966 were for disability. Deaths, 2,111; ordinary, 1,633; killed in battle and died of wounds, 423; accidental, 55. Desertions, 568.

"Volunteers for the war: There are now 31 regiments, (or equal to as many) and 4 companies in service—the aggregate strength of which, when mustered under calls from the War Department, respectively dated June 26, 1846, (1 regiment,) November 16, 1846, (equal to 8 regiments and 5 companies,) April 19, 1847, (equal to 7 regiments and 2 companies,) August 26, 1847, (5 regiments,) October 8, 1847, (2 regiments,) and at various other dates (equal to 7 regiments and 7 companies,) was 31,914, being 2,626 less than if all the regiments and companies had been full as authorized by law. Strength at the last returns, officers, 1,357; men, 22,968; aggregate, 24,325; reduced by this date probably less than 20,000. Discharges, 1,339, of which 1,084 were for disability. Deaths, 1,691; to wit, ordinary, 1,481; killed in battle and died of wounds, 171; accidental, 39. Desertions, 1,770.

"The casualties incident to the whole number of volunteers, under various periods of service, so far as can be ascertained from the rolls received, are as follows, viz.—Discharges for the expiration of the term, 6,638, of which 5,423 were for disability. Deaths, 3,947, to wit, ordinary, 3,229; killed in battle, 47 officers and 419 men; died of wounds, 167 officers and men, as far as now ascertained, 108; accidentally wounded, 129 officers, 1,217 men. Resignations, 275. Desertions, 2,884.

"Table E presents a detailed statement of the volunteers on the rolls for service in Mexico, New Mexico, and California, including eleven companies (1,082) within the United States, according to the latest returns, to wit, 5,527 horse, 297 artillery, 20,518 infantry, making a total of

until the capital and Republic of Mexico were at the mercy of our victorious arms. A peace ensued, which produced a dismemberment of the Mexican

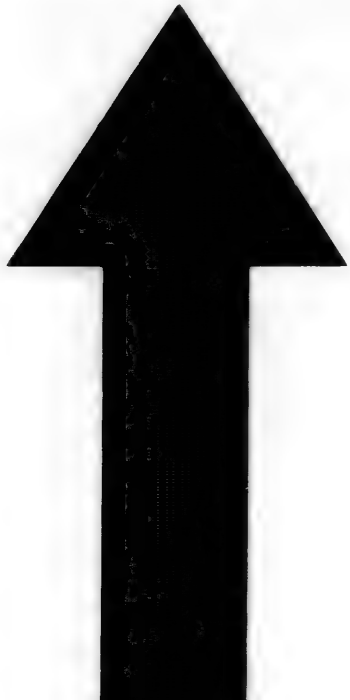
Government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican Government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents, so specified, which shall be in their possession or power (or authenticated copies or extracts of the same,) to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said Board of Commissioners: *provided*, that no such application shall be made by, or at the instance of, any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

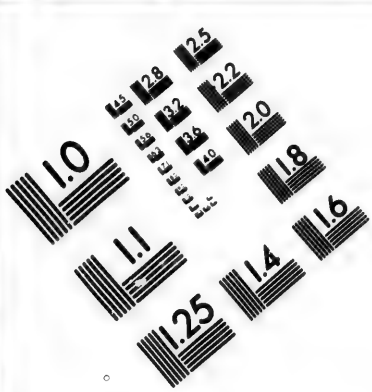
"ARTICLE XVI.

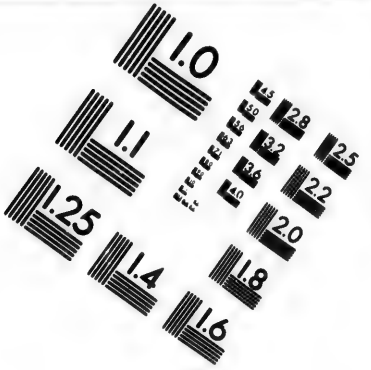
"Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify, for its security.

24,886 men, and 1,456 commissioned officers; aggregate, 26,342, of which 2,017 are twelve months' volunteers. This view includes absent men recruited under the law of 1847, many of whom will never join, and as is already remarked, it is believed that the actual strength of regiments and companies in the field does not exceed 20,000 men, including a numerous invalid list. The forces called out by regiments, and separate or independent companies, and now in service, equal 33 regiments and 1 battalion, and require not less than 15,000 men to complete the establishment.

"General and staff officers provided for the volunteer troops:—The number of general and staff officers appointed for the volunteer forces under the acts of July 5, 1838, June 18, and June 26, 1846, is 289, of which number 11 are generals, 26 majors, 104 captains, 124 surgeons and assistant surgeons, and 24 additional paymasters. Thirty-seven of the persons appointed declined acceptance, 47 were discharged as supernumeraries, 44 resigned, 18 appointed in other corps, 15 died, and 128 are now in service."—*Report of the Adjutant General to the Secretary of War, April 5th*, 1848. *Volume* 8 *Executive Documents*, 1*st session* 30*th Congress*, *Document* 62.







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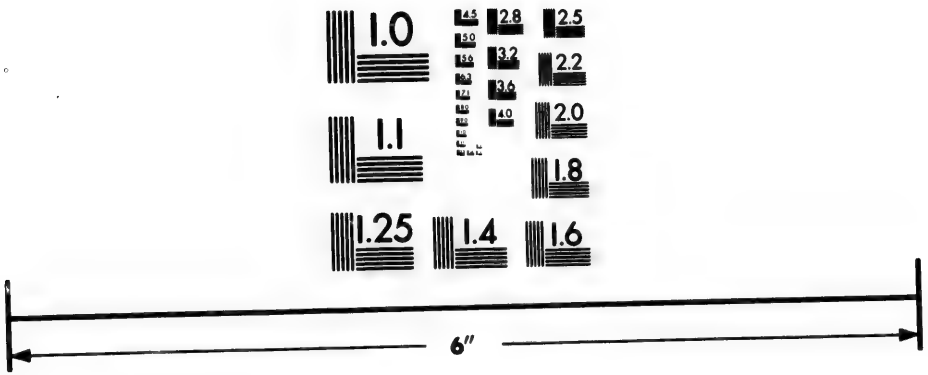

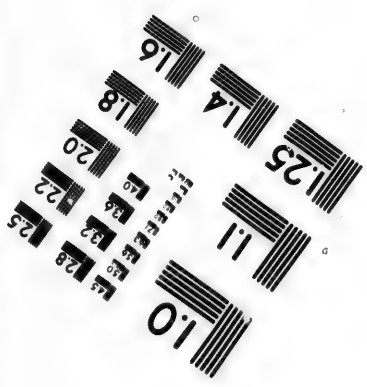

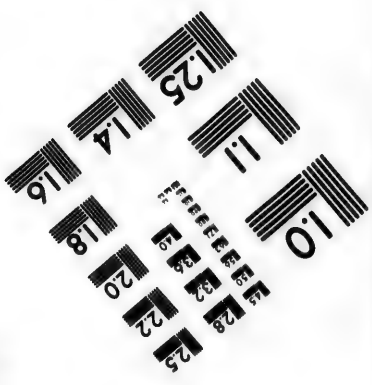

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territory, and indemnity for the past was obtained, in the cession of New Mexico and California.*

"ARTICLE XVII.

"The treaty of amity, commerce and navigation, concluded at the city of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional

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* "The country ceded to the United States, lying west of the Rio Grande, and to which Texas has no title, is estimated by the Commissioner of the General Land Office, to contain 526,078 square miles, or 366,689,920 acres.

"The period since the exchange of ratifications of the Treaty, has been too short to enable the Government to have access to, or to procure abstracts or copies of, the land title issued by Spain, or by the Republic of Mexico. Steps will be taken to procure this information at the earliest practicable period. It is estimated, as appears from the accompanying Report of the Secretary of the Treasury, that much the larger portion of the land within the territories ceded, remains vacant and unappropriated, and will be subject to be disposed of by the United States. Indeed, a very inconsiderable portion of the land embraced in the cession, it is believed, has been disposed of or granted either by Spain or Mexico.

"What amount of money the United States may be able to realize from the sales of these vacant lands, must be uncertain; but it is confidently believed, that with prudent management, after making liberal grants to emigrants and settlers, it will exceed the cost of the war, and all the expenses to which we have been subjected in acquiring it.

"The resolutions also called for the 'evidence, or any part thereof,' that the 'extensive and valuable territories ceded by Mexico to the United States, constitute indemnity for the past.'

"The immense value of the ceded country does not consist alone in the amount of money for which the public lands may be sold. If not a dollar could be realized from the sale of these lands, the cession of the jurisdiction over the country, and the fact that it has become a part of our Union, and cannot be made subject to European power, constitutes ample 'indemnity for the past,' in the immense value and advantages which its acquisition must give to the commercial, navigating, manufacturing, and agricultural interests of our country.

"The value of the public lands embraced within the limits of the ceded territory, great as that value may be, is far less important to the people of the United States, than the sovereignty over the country. Most of our States contain no public lands owned by the United States; and yet the

During the war with Mexico, the prosperity of our country was unimpaired. The national credit was high; our sails whitened every sea; and while

article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

"ARTICLE XVIII.

"All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the Government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and quantity, as shall really be wanted for the use and consumption of the

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sovereignty and jurisdiction over them is of incalculable importance to the nation. In the State of New-York, the United States is the owner of no public lands, and yet two-thirds of our whole revenue is collected at the great port of that State; and within her limits is found about one-seventh of our entire population. Although none of the future cities on our coast of California may ever rival the city of New-York in wealth, population, and business; yet, that important cities will grow up on the magnificent harbors of that coast, with a rapidly increasing population, and yielding a large revenue, would seem to be certain. By the possession of the safe and spacious harbors on the California coast, we shall have great advantages in securing the rich commerce of the East, and shall thus obtain for our products new and increased markets, and greatly enlarge our coasting and foreign trade, as well as augment our tonnage and revenue.

"These great advantages, far more than the simple value of the public lands in the ceded territory, 'constitute our indemnity for the past.'

"JAMES K. POLK."

Message of James K. Polk to the House of Representatives, July 24, 1848.

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we were with one hand chastising an insolent and unscrupulous enemy, with the other we were giving bread to a starving nation. By the terms of

forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempt at a fraudulent abuse of this stipulation which they may know of, or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

"ARTICLE XIX.

"With respect to all merchandise, effects and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either Republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

"1st. All such merchandise, effects and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

"2d. The same perfect exemption shall be enjoyed by all such merchandise, effects and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

"3d. All merchandise, effects and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

"4th. All merchandise, effects and property, described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

the Treaty of Guadalupe Hidalgo, the Government of the United States agreed to pay to Mexico, as part consideration for the cession of New Mexico

"5th. But if any merchandise, effects or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

"6th. The owners of all merchandise, effects or property, described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contributions whatever.

"With respect to the metals or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-houses at such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

"ARTICLE XX.

"Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the date of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects and property, the rules established by the preceding article shall apply.

"ARTICLE XXI.

"If unhappily any disagreement should hereafter arise between the Governments of the two Republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said Governments, in the name of those nations, do promise to each

and California,* the sum of fifteen millions of dollars, and to assume the payment of certain claims due our citizens by the Mexican Government.

other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one Republic against the other, until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference or the circumstances of the case.

"ARTICLE XXII.

"If (which is not to be expected, and which God forbid!) war should unhappily break out between the two Republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules; absolutely, where the nature of the

* "The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico, (which runs north of the town called Paseo,) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean."—ART. 5, *Treaty of Guadalupe Hidalgo.*

There was also a clause in the Treaty, requiring the Government of the United States to liberate any prisoners which might thereafter be captured by

subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:

"I. The merchants of either Republic then residing in the other, shall be allowed to remain twelve months (for those dwelling in the interior) and six months (for those dwelling at the seaports), to collect their debts and settle their affairs, during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance; conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burned or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take any thing from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

"II. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons, nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldiers shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after

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Indians residing within the limits of the United States. There was a precedent for the last clause, in the policy of the Cabinet of John Quincy Ad-

they shall have been designated to him, such individual officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

"And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

"ARTICLE XXIII.

"This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Mexican Republic, with the previous approbation of its general Congress; and the ratifications shall be exchanged in the city of Washington, or at the seat of Government in Mexico, in four months from the date of the signature thereof, or sooner if practicable.

ams.* The territory acquired was immense in extent and importance. It embraced nearly ten degrees of latitude upon the Pacific coast, and ex-

"In faith whereof, we, the respective plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement, and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

"N. P. TRIST, [L. S.]
"LUIS G. CUEVAS, [L. S.]
"BERNARDO COUTO, [L. S.]
"MIGL. ATRISTAIN. [L. S.]

"And whereas, the said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Queretaro on the thirtieth day of May last, by Ambrose H. Sevier and Nathan Clifford, Commissioners on the part of the Government of the United States, and by Señor Don Louis de la Rosa, Minister of Relations of the Mexican Republic, on the part of that Government;

"Now, therefore, be it known, that I, James K. Polk, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

"In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

"Done at the city of Washington, this fourth day of July, one [L. S.] thousand eight hundred and forty-eight, and of the independence of the United States the seventy-third.

"JAMES K. POLK.

"By the President:

"JAMES BUCHANAN, Secretary of State."

Executive Documents, 1st session 30th Congress, Vol. 8, Doc. No. 69.

* "If the line were so changed, the greater part, if not the whole, of the powerful, warlike, and turbulent Indian nation of the Camanches, would be thrown on the side of the United States; and as an equivalent for the proposed cession of territory, they would stipulate to restrain, as far as practicable, the Camanches from committing hostilities and depredations upon the territories and people, whether Indians or otherwise, of Mexico."—*Letter of Henry Clay, Secretary of State, to Mr. Poinsett, United States Minister in Mexico, March 26th, 1825.*

tended from that ocean to the Rio Grande, a distance of nearly one thousand miles. Included within the new boundaries, are the harbors of Monterey, Santiago, and San Francisco, which give us three commercial fronts. One upon the Pacific, another upon the Atlantic, and the third upon the Gulf of Mexico, being in extent more than 5,000 miles of sea-coast.

Of all the harbors in the world, none surpass the celebrated Bay of San Francisco. It lies in latitude 38 degrees north—about four degrees from the southern boundary of Oregon, and about five or six degrees from the southern boundary of our possessions in California. This harbor may be regarded as a most fortunate acquisition, and which, taken in connection with the rest of the territory ceded, and the commercial advantages resulting therefrom, is of vast importance to the Republic.

In the Bay of San Francisco the combined navies of the world could ride in safety. The access to it is easy, and yet it could be defended readily from its bold and rocky shores. The entrance opens into the Bay, which is about forty miles in length, protected from the winds coming from every direction. Two beautiful rivers which drain a country five hundred miles in extent, pour their waters into the Bay. The climate along the valley of the Sacramento, and San Joaquin rivers is delightful. The soil is rich and productive, favorable to wheat, Indian corn, rye, oats, tobacco and cotton. Grapes, olives, bananas, cocoanuts, sugar-cane, apples, pears, &c., were formerly found in lati-

tude 34 degrees north. A rare union of the productions of the temperate and tropical climates.

In the Bay of San Francisco will converge the commerce of Asia and the model Republic. It possesses advantages over every other harbor upon the western coast of North or South America. Whether a railroad is constructed across the Isthmus of Panama to the Columbia river, or to San Francisco, that point will become the New-York of the Pacific Ocean. The vast and increasing commerce of Asia, and the islands of the East, is now open to our adventurous seamen. It is difficult to conceive the importance which this country is destined to occupy as a commercial nation. In the first place, it can be safely asserted that no people upon the earth are so well calculated to develope the resources of our country, as the citizens of the United States, while at the same time the liberal principles upon which our commercial relations are conducted with the nations of the earth, afford ample opportunities for a display of that energy and enterprise, for which the American merchant is so justly celebrated, notwithstanding the importance to which the commerce of England has attained; yet her citizens have very many disadvantages to encounter, which are fast disappearing from our path. It will be seen by an examination of a globe, that the locality of England is most unfortunate for commercial purposes.

Upon the northwestern part of Europe, with the broad Atlantic separating her from her Canadian provinces and from the West Indies, she is

forced to double either the Cape of Good Hope or Cape Horn, to reach China and her possessions in the East. Taking in connection the fact, that it requires sixty-five days for the overland mail to reach London from Canton, and we have some idea of the commercial difficulties encountered by the merchants of England.*

* *From Mr. Whitney's Calculations.*

From London to Panama, 81° of longitude, and 44° of latitude must be overcome, and which, on a straight line, would vary little from	5,868	miles.
From Panama to Canton is 170° of longitude, measuring full 60 miles to the degree, is	10,200	"
Making from London to Canton, on a line, ...	16,068	"
Now from Canton to England, via the Cape of Good Hope, during the northeast monsoon, is		
From Canton through the China Sea, to the Equator, .	1,320	"
From the Equator to Sunda Straits, to 12° south latitude,	750	"
Through the region of southeast trades to 27° south latitude, and 50° east longitude, ...	3,200	"
Thence to the Cape of Good Hope, ...	1,560	"
And from the Cape to London.	6,900	"
	13,730	"
Again—from Canton to London, via the Cape of Good Hope, during the southwest monsoon, is		"
From Canton to the Straits of Formosa, ...	480	"
Thence to Pitt's Straits, passing near the Pillow Islands,	1,300	"
Thence to Allas' Straits, ...	1,200	"
Thence to 27° south latitude, and 50° east longitude, .	3,900	"
Thence to the Cape, ...	1,560	"
And thence to London, ...	6,900	"
	15,340	"
In the first instance, the route by canal would increase the distance between London and Canton, ...	2,338	"
And in the latter, ...	728	"

The distances, both for a canal and via the Cape, are calculated for a straight line from point to point, but owing to trades and currents, a sail-vessel could not make

The route to London from Canton is over 1,000 miles nearer, via Puget's Sound and New-York, than to double the Cape of Good Hope. To proceed still further south by the Bay of San Francisco and New-York to London, would be 3,000 miles nearer than the old route.*

In speaking of the distance to China from our western possessions, it should be remembered, that it is not necessary to pursue the track by the Sandwich Islands. It is much nearer to pass on a great arc to the northwest, crossing from the Western to the Eastern Continent, where the degrees of longitude converging to the North Pole, are only about half so far across as they are between the tropics. The new route will be far preferable by steam, as

either voyage on a straight line; and the voyage from London to China is estimated at not less than 17,000 miles, and it would be increased in the same manner and proportion for any canal route.		
It has been estimated that the distance from Shanghae in China to Puget's Sound, is	5,405	miles.
From Puget's Sound to New-York, by railroad, via Lake Michigan, ...	3,963	"
	8,368	"
Making 8,368 miles from our Atlantic coast to China, about half the distance from London to China.		
From New-York to London, ...	3,330	"
Total distance from China to London, via Puget's Sound and New-York, ...	11,698	"

* "The transit of intelligence, merchandise and passengers from China to Europe, by way of New-York, can be effected, when these several lines shall be in operation in connection with the line from that city to Liverpool, in less than one half the time now occupied in the voyage between those countries."—*Report of the Secretary of War, December 4th, 1848.*

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the same necessity will not exist for pursuing the old one, for the purpose of avoiding the trade winds.

Now let us turn our attention to the position occupied upon the globe by the United States. Conveniently situated to carry on a trade with Europe and Canada, with the West India Islands, and the powers of South America, the great difficulty to be surmounted was the distance to Asia and the East Indies. With that portion of the earth our trade is fast increasing, notwithstanding the long route from our eastern shores to China and the isles of the East, either by passing the Cape of Good Hope, or the southern extremity of South America. To perform a voyage from New-York to Canton and back, generally required twelve months. All these difficulties will soon be obviated by a development of our resources in Oregon and California.

It is a matter of vast importance to our commerce, which will soon hover upon the Pacific Ocean, that spacious and convenient harbors should be obtained for our shipping. This, for two reasons. First, because it is necessary for its protection in time of war, and for repairs in time of peace; and, secondly, that a point may be obtained from whence the produce of the United States may be sent abroad, and foreign produce or fabrics may be landed, and taken into the interior, without making the circuitous route of Cape Horn.

It will be seen that the route from Japan and China via Oregon and California, is not only the nearest to Charleston, New-York and Boston, but also to London; and we may not only expect that

the transmission of intelligence may be made by that route, but that it will be the great highway for many articles of merchandise and produce conveyed to and from Europe.

In this connection I will refer to the proposed canals at Panama, Nicaragua, and Tehuantepec.

The great objection to these routes to Asia and the East, is, that we have to diverge from the direct route; the distance being about 2,000 miles further from the Mississippi valley to China, even by Tehuantepec, than by California, and much further via Panama. I shall now proceed to notice the harbors in Oregon, and that portion of California which we have acquired from Mexico by the recent treaty. Along the coast of Oregon, there is but one large and convenient harbor, and that is nearly in latitude 49°. There is one circumstance, too, connected with the harbor of Puget's Sound, and that is contained in the treaty of 1846 with England, settling the boundary of Oregon. The entrance to that sound is through the Straits of Fuca. The navigation of these straits, by the terms of the treaty, is open to the commerce of both nations. This is one objection to the erection of a commercial city upon Puget's Sound. Another is, the fact that the Straits of Fuca are commanded by the southern part of Vancouver's Island, which belongs to Great Britain. These would be objections in time of a war between the two countries, which it is not unlikely will occur in the next half century.

The immense commerce carried on between this

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country and Asia, which will concentrate at some point upon our western coast, must be under the command of our own, instead of British guns.

It will be discovered from this view of the subject, that the harbors acquired from Mexico by the Treaty of 1848, are of very great value to this country.

The bay, or roadstead, of Monterey, is a half circle, protected from the storms coming from the west or southwest, but exposed to the northwestern winds. It can be rendered a very important harbor, by the erection of a breakwater. San Diego is an important acquisition; lying a short distance from the new line established between the United States and Mexico.

England has hitherto obtained more advantages from the China trade than any other nation; yet it is very evident the elements of commercial intercourse are possessed to a far greater extent by the United States and China, than by that country and Great Britain. The popular idea, long entertained, that trade to be beneficial to one nation, must have a balance in its favor, to be liquidated by the precious metals, is now exploded. Commerce between nations, based upon mutual benefits, must consist in an interchange of commodities. The dishonest intention of overreaching the nation with whom we trade, by obtaining a balance in our favor, to be discharged by abstracting from them, and drawing into our own coffers the precious metals necessary for *their* commercial prosperity, should be aban-

doned. The effect of the latter policy is already felt by England.*

The Select Committee of the House of Commons, in their report, alluding to the cause of the declension in the British trade with China, assign as a reason for that result, that the sole difficulty is in finding a return for the articles supplied to China.† Thus we discover that the drain of specie upon China to discharge the balance against her, is too great, and the trade between the two countries is falling off.

The trade between the United States and China, although now very extensive, can be still increased. There is a heavy balance against us, however, which might be liquidated by the demand in that country for cotton.‡ There is no reason why this amount

* The total of British imports into China, in 1844, was	$35,929,132
The exports from China on English account, for the same period, amounted to - - - - -	17,925,360
Leaving a balance against China, - - - - -	$18,003,772

† "In reporting on the condition of our commercial relations with China your Committee regret to state, on undoubted evidence, that the trade with that country has been for some time in a very unsatisfactory position, and that the result of our extended intercourse has by no means realized the just expectations which had been naturally founded on a freer access to so magnificent a market."

"We find that the difficulties of the trade do not arise from any want of demand in China for articles of British manufacture, or from the increasing competition of other nations. There is no evidence that foreign competition is to be seriously apprehended in the articles of general demand. The sole difficulty is in providing a return."—*Report of the Select Committee of the House of Commons.*

‡ The imports of merchandise into China from the United States, in 1844, amounted to - - - - -	$1,320,170
The export from China on American account, was -	6,686,171
Leaving a balance against the United States of -	$5,366,001

of imports in China should not be furnished by the United States. We can raise cotton cheaper, and of a better quality, than any other people. We can manufacture coarse cotton goods cheaper; and the route to its destination will be much nearer, by means of the great highway via California and the Pacific. It must be recollected, that England and the United States are the great competitors for the trade with that country. There is no reason, however, that the commerce with China should not increase very largely. We can not only supply them with cotton, raw and manufactured, but with lead, ginseng, wheat, and corn; for which we can receive whatever necessaries and luxuries they may have to exchange.

The empire of China contains at least three hundred millions of people. The density of the population is most remarkable, so much so, that it is exceedingly difficult to obtain a living. What benefits will not be extended to them by the utmost freedom of commercial intercourse? Not only can we supply them with raiment, but with food, in exchange for which we can receive whatever their climate or their ingenuity may enable them to furnish us. In this way the vast amount of surplus produce, which the fertility of our soil and the in-

Have we the means of discharging this balance, other than by a payment of specie?

Value of raw cotton imported into China in 1844,	6,983,347
Cotton fabrics,	5,383,093
Total, cotton and cotton fabrics,	$12,366,440

dustry of our people places at our disposal, will banish from the firesides of millions the gaunt spectre of famine which stalks through the hovels of the poor.

We should not overlook the advantages which will certainly result from the establishment of liberal commercial relations with the Empire of Japan. The population of these islands is variously estimated at from 50 to 100,000,000 inhabitants. They live still nearer our possessions upon the Pacific than China, being between 32° and 45° north latitude.

The first American ship which attempted to trade with the Japanese was in 1797. It was a long time before the authorities could be made to distinguish between English and American sailors. The owner, however, of this ship, the Eliza, sailing under Dutch colors, was suffered to trade with them.

But returning in 1803, under the American flag, he was compelled to depart. The Dutch, who alone were suffered to trade with them, artfully aroused their suspicions, that no rival might divide the trade with themselves. Another attempt was made in 1807, with no better success. Similar efforts have been made by England and Russia up to 1837, but unsuccessfully. The Americans are regarded with much more favor than either the English or Russians. The hope may be confidently entertained that at no distant day commercial relations will be established with those islands, mutually beneficial to both countries.

It is remarkable that China and Japan have

almost insurmountable objections to the admission of foreigners within their dominions. The consequences are the absence of that intelligence and morality which characterizes other countries.

As the eye glances along the map of the world to the west, passing over Asia and Europe, the pleasing reflection crosses the mind of the observer, that with each degree of longitude increases the regard for liberality of intercourse between neighboring powers. And when we look at our own country, we find that Christianity wields a controlling influence—the arts and sciences have reached a greater degree of perfection—the people have enlarged and enlightened views, and the female sex are treated with much of that deference and respect which distinguished the age of chivalry.

In whatever light we regard the intercourse between the nations of the earth, benefits must be the result. Commercial advantages, the extension of liberal principles, the diffusion of the doctrines of the Bible, will flow from the most unrestrained commercial regulations.

As the tide of emigration flows westward, it is to be hoped that a disposition will be manifested still further to remove restrictions upon our commerce, and thus accelerate the moment when our new possessions upon the Pacific will become the centre of a flourishing and extensive commerce.

California is, undoubtedly, the richest mineral country upon the Globe. Not only does gold abound in such quantities that thousands have become enriched by it without incurring the expense

of mining operations, but there is also vast quantities of silver and quicksilver. The amount of gold dust which has been brought from California since July, 1849, to the present time,* has been estimated in value at 9,000,000 of dollars, and still the supply appears inexhaustible. As fast as the quantity seems to diminish at one placer another is easily found, where, with the sifter, the gold is easily separated from the sand, and in a short time wealth crowns the efforts of the laborer. Where such vast quantities are found in the sand, still more can undoubtedly be obtained by mining operations, and from the hills and mountains of Upper California, the Government and people of the United States will obtain immense quantities of the precious metals.† The number of persons who have thronged to California since its acquisition by the United States is almost inconceivable. They have poured into that country from almost every land, and there may be found congregated together, the South American, the Asiatic, the European, the African, and the Mexican, and from the United States a ceaseless tide of emigration has continued to roll thither. New routes have been explored, and so

* March, 1850.

† "Thus it appears that the deposits of gold, wherever found in the Territory, are the property of the United States. Those, however, which are known to exist upon the lands of individuals are of small comparative importance, by far the larger part being upon the unclaimed public lands. Still our information respecting them is yet extremely limited; what we know in general is, that they are of great extent and extraordinary productiveness, even though rudely wrought. The gold is found sometimes in masses, the largest of which brought to the mint weighed eighty-nine ounces."—*Report of the Secretary of the Interior, December 3d*, 1849.

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frequently traversed that the hitherto trackless regions of the West have become a great highway, and the burning sun of the torrid zone has presented no obstacle to the thousands who throng to the Isthmus of Darien, while the threatening dangerns of Cape Horn have presented no terrors to those who have left their homes in search of gold.

The early and rapid development of the resources of California is mainly attributable to the precious metals, but it is very questionable whether they equal in importance the commercial and agricultural advantages which must inevitably flow from their possession. Of the former I have already spoken. With regard to the latter, little has been done to test the capacity of the soil. When the existence of gold was first discovered, people of every occupation at once took their departure for the gold regions. Farmers left the plough, the mechanic his workshop, the doctor his patient, the lawyer his clients, the sailor deserted his ship, and the soldier his colors, and all sought for the glittering dust. The emigrants have relied upon foreign supply for the necessaries of life, and very few of the inhabitants of California have turned their attention to the cultivation of the earth. It is true that the want of rain during a portion of the year is one disadvantage, but that has been greatly exaggerated. There can undoubtedly be produced in California, wheat, rye, oats, buckwheat, vegetables, and fruits, of as fine quality as in any part of the United States territory, and it only remains for

enterprise and industry to develope the resources of California, to render it one of the richest and most productive States in the Union.

After years will fully illustrate the three great results which must flow from the acquisition of that territory: its mineral wealth, and its agricultural and commercial advantages.*

* "The prospects of California were never brighter than now. Skepticism as to its immense mineral resources is gradually yielding to the solid and radiant proofs now abundantly made manifest. Three millions of dollars' worth of native gold shipped by a single steamer, following and to be followed by others, at intervals of barely two weeks, ought to vanquish the most stubborn incredulity. An intelligent friend who enjoyed good opportunities for information in San Francisco, estimates the amount of gold in the hands of the gamblers alone, of that city, on the 1st of January, (our latest date,) at fourteen millions of dollars."—*Editorial of the New-York Tribune, February 11th, 1850.*

"SAN FRANCISCO, *December 15th*, 1849.

"*Messrs. Greeley & McElrath:*

"Of all the marvellous phases of the history of the present, the growth of San Francisco is the one which will most tax the belief of the future. Its parallel was never known, and shall never be beheld again. I speak only of what I have seen with my own eyes. When I landed here, not quite four months ago, I found a scattering town of tents and canvas houses, with a show of frame buildings on one or two streets, and a population of about six thousand. Now I see around me an actual metropolis, displaying street after street of well-built edifices, filled with an active and enterprising people, and exhibiting every mark of permanent commercial prosperity. Then, the town was limited to the curve of the bay fronting the anchorage and the bottoms of the hills. Now, it stretches to the topmost heights, follows the shore around point after point, and, sending back a long arm through a gap in the hills, takes hold of the Golden Gate, and builds its warehouses on the open strait and almost fronting the blue horizon of the Pacific. Then, the gold-seeking sojourner lodged in muslin rooms and canvas garrets, with a philosophic lack of furniture, and ate his simple though substantial fare from pine boards. Now, lofty hotels, gaudy with verandahs and balconies, are met with in all quarters, furnished with home luxury, and aristocratic restaurants present daily their long bills of fare, rich with the choicest techni-

When we reflect upon the extension of the territorial limits of this country, since its first settlement, we can scarcely realize where our ultimate bounda-

calities of the Parisian cuisine. Then, vessels were coming in day after day, to lie deserted and useless at their anchorage. Now, scarce a day passes, but some cluster of sails, bound *outward* through the Golden Gate, take their way to all the corners of the Pacific. Like the magic seed of the Indian juggler, which grew, blossomed, and bore fruit before the eyes of his spectators, San Francisco seems to have accomplished in a day the growth of half a century.

"When I first landed here, bewildered and amazed by what seemed an unnatural standard of prices, I expressed the opinion that there would be before long a great crash in speculation. Things, it appeared then, had reached their crisis, and it was pronounced impossible that they could remain stationary. This might have been a very natural idea at the time, but the subsequent course of affairs has shown it to be incorrect. Land, rents, goods, subsistence, &c., have continued steadily to advance in cost, and as the credit system has been meanwhile prudently contracted, the character of the business now done is the more real and substantial. Two or three years will pass, in all probability, before there is a positive abatement of the standard of prices. There will be fluctuations in the meantime, occasioning great gains and losses, but the fall in rents and real estate, when it comes, as it inevitably must in the course of two or three years, will not be so crushing as I at first imagined. I doubt whether it will seriously injure the commercial activity of the place. Prices will *never* fall to the same standard as in the Atlantic States. Fortunes will always be made here by the sober, intelligent, industrious, and energetic; but no one who is either too careless, too spiritless, or too ignorant to succeed at home, need trouble himself about emigrating. The same general rule holds good, as well here as elsewhere, and it is all the better for human nature that it does.

"Not only is the heaviest part of the business here conducted on cash principles, but all rents, even to lodgings in hotels, are paid in advance. A single bowling-alley, in the basement story of the Ward House—a new Hotel on Portsmouth-square—prepays $5,000 monthly. The firm of Findley, Johnson & Co., recently sold their real estate, purchased a year ago for $20,000, at $300,000; $25,000 down, and the rest in monthly instalments of $12,500. The purchaser, Mr. Steinberger, has since been offered $12,500 monthly, in advance, for the rent alone, which would thus pay at once the first cost of the property, This is a fair specimen of the speculations daily made here. Those on a lesser scale are fre-

ries are to be. From the landing of the pilgrims, successive years have witnessed the triumph of our ancestors over the Indians and French, to be quickly followed by the obstinate encounter with, and the final overthrow of the British power within these States. The steady progress of civilization succeeded; the Alleghanies were passed, and thriving cities studded the shores of the father of waters. Florida, Louisiana and Texas have been acquired; and a neighboring nation, against whom a brilliant war has been waged, has consented to yield one half of her immense territory. And still our vast resources are undeveloped. The oak and the pine, spreading far westward to the Pacific Ocean, are yet waving their towering forms undisturbed by the woodman's axe, while each year illustrates our power, and proves that our destiny is not yet fulfilled.*

quently of a very amusing character, but the claims on one's astonishment are so constant, that the faculty soon wears out, and the most unheard of operations are looked upon as matters of course. The greatest gains are still made by the gambling tables and eating-houses. Every device that art can suggest is used to swell the custom of the former. The latter find abundant support in the necessities of a large floating population, in addition to the swarm of permanent residents. Rowe's Circus, which is still here, does an immense business, and a large and handsome theatre is about to be erected on the upper side of Portsmouth-square. If conducted with becoming order and decency, the latter establishment will have a decidedly moral effect, by diminishing the influence of a much greater evil."—*Extract of a Letter from Bayard Taylor.*

* The inhabitants of California, through their delegates, in 1849, framed a constitution, which was ratified by the people. Members of Congress and Senators were elected, who took their departure for Washington. The question of the admission of California into the Union has occupied much of the attention of the 31st Congress. Clay, Calhoun and Webster have given their views, but the sequel no one can with certainty divine.

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While new improvements are made in the arts, and new discoveries are made in science; while the moral tone of society is becoming more and more healthy, and each year adds to our veneration and regard for the Constitution, who can proclaim the extent of our greatness as a nation?

What ground is there, then, for the senseless cry that our brilliant destiny has reached its meridian? What is there to produce so melancholy a result? The treachery of individuals cannot effect it. There is no approaching danger from without. No internal dissensions of so alarming a character, as to threaten so terrible a disaster.

The fears of those who dread a dissolution of the Union are as idle as the wishes of the dissatisfied and depraved, who would gladly produce so disastrous a result to gratify their own selfish views. Such an event might have occurred in the infancy of this republic, when patriots doubted the capacity of the people for self-government. But now, when that problem has been solved, when the public heart beats with almost idolatrous love for that Constitu-

What will be the result of the settlement of the country bordering upon the Pacific? Hitherto our enterprising citizens have gone westward until the farthest west is occupied. Will California and Oregon arrest the onward movement of the Americans? No! They will diverge to the south and overrun Mexico; not, it is true, as the Goths and Vandals ravaged the possessions of the Romans; and then, if the citizens of Japan still refuse to enter into commercial regulations, a little of that persuasion will be employed which so effectually moderated the tone of the Chinese towards the English. It will not be extraordinary if the citizens of the United States before the lapse of another century, should gain a foothold upon Asia, and either overawe and control the natives, or drive them back upon the Europeans.

tion which, for more than half a century, has proved the palladium of our liberties, who can be guilty of such folly as to suppose that the masses will submit to its destruction?

The people understand fully the object of a few disorganizers at the north and south. They appreciate to the full value, and no more, the threats at encroachment or dissolution which are so freely used. They can listen to this with some patience; but let threats be followed by a single *overt act*, and they will hang the traitors as high as Haman was hung.

The thanks of Congress were voted repeatedly to the army for their gallant conduct in the face of the enemy. On the 16th of July, 1846, a joint resolution, presenting the thanks of Congress to General Taylor, his officers and men, for their fortitude, skill, enterprise and courage upon the Rio Grande, was approved by the President. Similar resolutions passed Congress March 2d, 1847, March 9th, 1848, and August 7th, 1848, tendering the thanks of Congress to General Taylor and his men for the victory of Monterey and Buena Vista; and to General Scott, his officers and men, for the brilliant campaign of 1847; and to the officers, sailors and marines, for their zeal and ability before the walls of Vera Cruz, and the castle of San Juan de Ulloa.*

* "An exciting scene characterized an attempt to pass a resolution tendering the thanks of Congress to several general officers. Mr. Chase of Tennessee, on the 21st of February, 1848, introduced certain resolutions for that purpose. The question before the House was, 'Shall the

This was not only done, but substantial benefits were conferred, with great liberality, upon the private soldiers, in the shape of bounties and bounty lands.

main question be now put?' when Mr. John Quincy Adams, in the attempt to address the Speaker, was seized apparently with the agonies of death, and was borne to the Rotunda, and thence to the Speaker's room, where after lingering a few days he expired."—*Congressional Globe*, 1*st session* 30*th Congress*, p. 381.

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CHAPTER X.

The Tariff.—Opinions of Messrs. Clay and Polk upon that question.—Message of Mr. Polk.—Report of the Secretary of the Treasury.—Passage of the Tariff of 1846.—Arguments of the friends and opponents of free trade.—The Constitutional Treasury established.—Discussions in the Constitutional Convention.—Public Debt of the United States.—Proposed Tax upon Tea and Coffee.

THE tariff was a prominent question in the presidential contest of 1844. The act of 1842 had violated the principles of the compromise of 1833,* and the exciting subject, instead of being put "to rest for ever," was again to be decided by the American people. The principles of the two candidates upon this interesting and difficult question, were well defined prior to the termination of their congressional career. Mr. Polk was thoroughly committed to the policy of a revenue tariff, and Mr. Clay, when the compromise act was under discussion, pledged the party favorable to protection, to a reduction of the tariff to a revenue standard.† Previous to his nomi-

* "The present tariff law is sufficiently discriminating; holds to common sense, and rejects the principles of the Compromise Act, I hope, for ever."—*Mr. Webster's Speech at Faneuil Hall, September*, 1842.

† "I am anxious to find out some principles of mutual accommodation, to satisfy, as far as practicable, both parties; to increase the stability of our legislation; and, at some distant day—but not too distant, when we take into view the magnitude of the interests which are involved—to bring down the rate of duties to *that revenue standard* for which our opponents

nation for the presidency, Mr. Clay made a speech at Raleigh, in which he advocated discriminating duties for the protection of domestic industry.* This was followed by his letter, in September, 1844, to a whig committee in Pennsylvania, in which he gave in his adhesion to the tariff of 1842. Alarmed at the prospect of losing votes in the Southern States, by his opposition to the annexation of Texas, he saw certain defeat in the future, unless he could rally to his support the people of the North. This produced one concession after another, until he had abandoned the ground which he occupied in 833.† No excuse can be offered for this palpable abandonment of principles which had been so solemnly proclaimed; and the words which he uttered in 1833, are a withering rebuke upon the course which he subsequently pursued, and stamp in letters of living fire upon his own forehead, the anathemas which he fulminated in advance against others.

The course pursued by Mr. Polk during that campaign, is by no means free from a just criticism.

have so long contended."—*Speech of Mr. Clay in the Senate on a Compromise Act*, 1833.

* "Here is a basis for accommodation and mutual satisfaction. Let the amount which is requisite for an economical administration of the Government, when we are not engaged in a war, be raised exclusively on foreign imports; and in adjusting a tariff for that purpose, let such discriminations be made as will foster and encourage our own domestic industry. All parties ought to be satisfied with a tariff for revenue, and discriminations for protection."—*Mr. Clay's Raleigh Speech.*

† "When this was known, what Congress, what Legislature, would mar the guaranty? What man, who is entitled to deserve the character of an American statesman, would stand up in his place in either House of Congress, and disturb the treaty of peace and amity?"—*Mr. Clay's Speech, February* 12, 1833.

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Several letters were addressed to him, soliciting his views upon the tariff question; and the answer which he gave to one of them, was the subject of much discussion in every section of the Union.* While it was admitted in several of the Southern States, that Mr. Clay was in favor of discriminations for the protection of home industry, it was at the same time insisted that Mr. Polk entertained the same views.† In Pennsylvania, it was argued by the democratic party, that the two candidates occupied the same platform upon the tariff question.‡ If the principles which Mr. Polk really entertained were misunderstood, owing to the phraseology of his Kane letter, he was not himself altogether blameless for

* "DEAR SIR: I have received recently several letters, in reference to my opinions on the subject of the tariff, and, among others, yours of the 30th ultimo. My opinions on this subject have been often given to the public. They are to be found in my public acts, and in the public discussions in which I have participated.

"I am in favor of a tariff for revenue, such a one as will yield a sufficient amount to the treasury to defray the expenses of the Government, economically administered. In adjusting the details of a revenue tariff, I have heretofore sanctioned such moderate discriminating duties as would produce the amount of revenue needed, and at the same time afford reasonable incidental protection to our home industry. I am opposed to a tariff for protection *merely* and not for revenue."—*Letter of Mr. Polk to John K. Kane, dated Columbia, Tennessee, June* 19, 1844.

† The author was upon the democratic electoral ticket in Tennessee, in 1844, and his opponent, while he admitted that Mr. Clay was in favor of discriminating duties for the protection of home industry, would insist, from the language of the Kane letter, that Mr. Polk was a protectionist to the same extent as Mr. Clay.

‡ "We therefore insisted that the one was as good a tariff man as the other."—*Speech of James Thompson of Penn.*, July 1, 1846. *Congressional Globe, Appendix, 1st session 29th Congress.*

Mr. Thompson was explaining the course pursued in that State in the contest between Messrs. Clay and Polk.

the error which was committed by his supporters. It is not to be disguised, that the English language was of sufficient scope and flexibility to enable him to define his opinions with more clearness and greater precision. If he had stated that he was in favor of a tariff discriminating *alone* in favor of revenue, there would have been no misconception of his views. Or if he had expressed his preference for such discriminating duties as would produce the amount of revenue needed,—protection flowing as a necessary incident therefrom, every man of ordinary understanding would have comprehended his meaning. The voters in the North were deceived by the use of language which had the effect of obscuring, instead of more clearly defining his position. The assertion that he had sanctioned such moderate discriminating duties as would produce the amount of revenue needed, was the statement of a fact which the record confirms; and there he ought to have stopped, because every one understands that protection flows as a necessary incident from a *revenue* tariff. The statement that he was opposed to a tariff for protection merely, and not for revenue, should have been transposed, by asserting that he was in favor of a tariff for revenue merely, which would have endorsed the principles he had always entertained, and which he subsequently enforced with his characteristic ability and energy.

The views which Mr. Polk entertained, were explained with precision and ability in his first annual message.* The principles which would govern his

* "The attention of Congress is invited to the importance of making

administration were proclaimed with great boldness, and the odious features of the tariff of 1842 were thoroughly investigated and exposed. Congress

suitable modifications and reductions of the rates of duty imposed by our present tariff laws. The object of imposing duties on imports should be to raise revenue to pay the necessary expenses of Government. Congress may, undoubtedly, in the exercise of a sound discretion, discriminate in arranging the rates of duty on different articles; but the discriminations should be within the revenue standard, and be made with a view to raise money for the support of the Government."

"It becomes important to understand distinctly what is meant by a revenue standard, the maximum of which should not be exceeded in the rates of duty imposed. It is conceded, and experience proves that duties may be laid so high as to diminish, or prohibit altogether, the importation of any given article, and thereby lessen or destroy the revenue which, at lower rates, would be derived from its importation. Such duties exceed the revenue rates, and are not imposed to raise money for the support of government. If Congress levy a duty for revenue of one per cent. on a given article, it will produce a given amount of money to the treasury, and will incidentally and necessarily afford protection or advantage to the amount of one per cent. to the home manufacturer of a similar or like article over the importer. If the duty be raised to ten per cent., it will produce a greater amount of money, and afford greater protection. If it be still raised to twenty, twenty-five, or thirty per cent., and if as it is raised the revenue derived from it is found to be increased, the protection or advantage will also be increased; but if it be raised to thirty-one per cent., and it is found that the revenue produced at that rate is less than thirty per cent., it ceases to be a revenue duty. The precise point in the ascending scale of duties at which it is ascertained from experience that the revenue is greatest, is the maximum rate of duty which can be laid for the *bona fide* purpose of collecting money for the support of the Government. To raise the duties higher than that point, and thereby diminish the amount collected, is to levy them for protection merely, and not for revenue. As long, then, as Congress may gradually increase the rate of duty on a given article, and the revenue is increased by such increase of duty, they are within the revenue standard. When they go beyond that point, and as they increase the duties, the revenue is diminished or destroyed, the act ceases to have for its object the raising of money to support Government, but is for protection merely."

"It does not follow that Congress should levy the highest duty on all articles of import which they will bear within the revenue standard; for

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was urged to substitute ad valorem for specific and minimum duties. That portion of his message is a masterly and unanswerable argument in favor of free trade, and bore the impress of a comprehensive mind, thoroughly imbued with the subject.

such rates would probably produce a much larger amount than the economical administration of the Government would require. Nor does it follow that the duties on all articles should be at the same, or a horizontal rate. Some articles will bear a much higher revenue than others. Below the maximum of the revenue standard Congress may and ought to discriminate in the rates imposed, taking care so to adjust them on different articles as to produce in the aggregate the amount which, when added to the proceeds of sales of public lands, may be needed to pay the economical expenses of the Government. In levying a tariff of duties, Congress exercise the taxing power, and for purposes of revenue may select the objects of taxation. They may exempt certain articles altogether, and permit their importation free of duty. On others they may impose low duties. In these classes should be embraced such articles of necessity as are in general use, and especially such as are consumed by the laborer and the poor, as well as by the wealthy citizen. Care should be taken that all the great interests of the country, including manufactures, agriculture, commerce, navigation and the mechanic arts, should, as far as may be practicable, derive equal advantages from the incidental protection which a just system of revenue duties may afford. Taxation, direct or indirect, is a burden, and it should be so imposed as to operate as equally as may be on all classes in the proportion of their ability to bear it. To make the taxing power an actual benefit to one class, necessarily increases the burden of the others beyond their proportion, and would be manifestly unjust. The terms 'protection to domestic industry' are of popular import; but they should apply under a just system to all the various branches of industry in our country. The farmer or planter who toils yearly in his fields, is engaged in 'domestic industry,' and is as much entitled to have his labor 'protected' as the manufacturer, the man of commerce, the navigator, or the mechanic, who are engaged also in 'domestic industry' in their different pursuits. The joint labors of all these classes constitute the aggregate of the 'domestic industry' of the nation, and they are equally entitled to the nation's 'protection.' No one of them can justly claim to be the exclusive recipient of 'protection' which can only be afforded by increasing burdens on 'domestic industry' of the others."—*Message of Mr. Polk to Congress, December*, 1845.

The doctrines which were sustained by the Executive were enforced with consummate ability by the Secretary of the Treasury. He made certain principles the basis of his celebrated report against the protective policy.* That argument has been submitted to the test of scrutiny and of time. The most powerful advocates of the protective system employed their energies in refuting his assumptions, and controverting his facts. But his platform was never abandoned; and like the sailor, whose eye is fixed upon his compass amidst storms and tempests, he adhered to his principles with an iron will, and an inflexibility of purpose, which insured success against all opposition.

On the 15th of June, 1846, the House of Representatives proceeded to the consideration of a bill for the repeal of the tariff of 1842. The debate upon this bill was characterized by great power. Principles were laid down, and facts adduced. Musty

* "1st. That no more money should be collected than is necessary for the wants of the Government, economically administered.

"2d. That no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.

"3d. That, below such rate, discrimination may be made, descending in the scale of duties; or, for imperative reasons, the article may be placed in the list of those free from all duty.

"4th. That the maximum revenue duty should be imposed on luxuries.

"5th. That all minimums, all specific duties, should be abolished, and ad valorem duties substituted in their place, care being taken to guard against fraudulent invoices and under-valuation, and to assess the duty upon the actual market value.

"6th. That the duties should be so imposed as to operate as equally as possible throughout the Union, discriminating neither for nor against any class or section."—*Report of the Secretary of the Treasury, December 3d, 1845.*

volumes were examined, and the talents which were concentrated in the House of Representatives were devoted to the discussion of the subject. The city of Washington was thronged by the manufacturers and their agents, and every effort which ingenuity could devise was exerted to defeat the passage of the tariff of 1846. After a long discussion, the bill passed the House of Representatives on the 3d of July, 1846, by a vote of 114 to 95.* Among the number who voted for the passage of the bill there was but one whig.

Although the bill had passed by a triumphant majority through the House of Representatives, it was destined to encounter a formidable opposition in the Senate. The supporters and opponents of free trade in that body were nearly equal. The bill came very near being defeated by the unexpected resignation of William H. Haywood, of North Carolina,† whose conduct produced a feeling of indignation in the democratic party, and at once elevated the hopes of the opponents of reform. The contest became more exciting, and great anxiety was felt not only in Washington, but throughout the country. The fate of the bill now depended upon the vote of Mr. Jarnagin, a whig member of the Senate from Tennessee, who had been instructed

* Congressional Globe, 1st session 29th Congress, p. 1053.

† "WASHINGTON CITY, *July* 25th, 1846.

"I hereby respectfully resign my seat in the Senate as one of the Senators from North Carolina.

"I have the honor to be your obedient servant,

"WILLIAM H. HAYWOOD, JR."

Congressional Globe, 1st session 29th Congress, p. 1141.

to vote for a bill which embodied the principles of the one then before the Senate. It was a matter of great doubt whether he would not either openly disobey those instructions, or manage in some way to evade them. Contrary to the expectations of those who placed a just appreciation upon the general character of that Senator, he said he would obey his instructions,* although the instincts of the man were illustrated, when he hazarded its defeat by intrusting the fate of the bill to the casting vote of the Vice President.

A motion was made by Mr. Johnson, of Maryland, to commit the bill with instructions, and upon that proposition the Senate was equally divided, 27 Senators voting for and 27 against the proposition. It was decided in the negative by the casting vote of the Vice President.† If Mr. Jarnagin had faithfully obeyed his instructions, Mr. Dallas would not have been called upon to exercise the duty which his position as presiding officer imposed upon him, during that struggle.‡ It was, however, expecting too much from Spencer Jarnagin to suppose he would pursue the path of duty with undeviating footsteps. The course which he adopted, while it exemplified his own character, afforded the

* "But the leading features of the bill I am instructed to maintain, and by voting against the bill I would vote against the principles which I am instructed to support. I shall obey these instructions."—*Speech of Mr. Jarnagin.*

† Congressional Globe, 1st session 29th Congress, p. 1155.

‡ "The President said that he was taken by surprise in consequence of the course pursued by the Senator from Tennessee, [Mr. Jarnagin,] who did not vote; but as he was called upon to give the casting vote, he would vote in the *negative*."—*Ibid.*

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Vice President an opportunity of illustrating his moral firmness by an act of bold and majestic grandeur, which stamped him as one of the distinguished men of the age. When the bill was ordered to a third reading, Mr. Jarnagin again refused to vote, and the Senate was again equally divided, and the fate of the measure was decided by the casting vote of Mr. Dallas. Before proceeding to decide the important question which was now under his control, and upon which so much interest and feeling depended, the Vice President addressed the Senate.*

* "The President rose and said:

"The Senate being equally divided on this important question, I may be indulged in briefly stating the principal reasons for the vote I am required by the Constitution to give.

"Excluded from any participation in forming or modifying the bill, I am bound to sanction or condemn it exactly in the shape in which it stands. The responsibility is deeply felt. It belongs, however, to the office assigned to me by my fellow-citizens, and will be assumed with frankness, and, I hope, not unbecoming firmness. The consequences of my decision, either way, may seriously affect the country. No one can entertain, as to that, a profounder solicitude. But, after summoning to my aid the best purposes and best lights that I can command, the consequences, be they what they may, must be hazarded.

"The system for obtaining the revenue necessary to support their Government is established, directly or indirectly, by the people of the United States, within the limits, and agreeably to the prescribed forms of the Constitution. Whatever is ascertained to be their will on the subject, all should undoubtedly acquiesce in. That there are known and approved modes by which their will is expressed, cannot be questioned; and the public officer who reads that will with candor and integrity, may feel assured that he conforms to the institutions of his country when he makes it the guide of his conduct. To my mind ample proof has been furnished that a majority of the people and of the States desire to change, to a great extent, in principle, if not fundamentally, the system heretofore pursued in assessing the duties on foreign imports. That majority has manifested itself in various ways, and is attested by its representatives in the other House of Congress, by whom this bill has been approved, and whose votes

The scene which was witnessed upon that occasion was one of the most imposing that ever occurred in that chamber. It was not known with certainty

undeniably indicate the popular sense in the large proportion of eighteen out of the twenty-eight States. In this Senate an analysis of the vote before me discloses that while six States (Ohio, Virginia, New-Hampshire, Georgia, Michigan and Maine) are equally divided; eleven (Louisiana, Pennsylvania, Delaware, Kentucky, Massachusetts, New-Jersey, Rhode Island, Connecticut, Maryland, North Carolina and Vermont) are against, and eleven (Arkansas, Missouri, Alabama, Illinois, Indiana, South Carolina, Mississippi, New-York, Texas, Tennessee and Florida) are for the change. Peculiarly situated as I am in my relation to the national legislature, these impressive facts cannot be overlooked. In a case free from constitutional objection, I could not justifiably counteract, by a sort of official veto, the general will.

"The struggle to exert without abatement the constitutional power of taxation, in such a manner as to protect, by high duties on imports, many of the productions of our own soil and labor from the competition of other countries, has endured for more than thirty years. During that period, a system of high taxation has prevailed, with fluctuations of success and failure. It is as vigorously and as exactingly insisted upon now as ever; and, indeed, it would seem, in some instances, as if the longer the advantage of a particular tax was enjoyed, the stronger became the desire for its continuance, and even its augmentation. And yet it ought to be remembered that this exercise of the taxing power, by which the great mass of consumers are made to swell the profits of a few branches of industry, was originally intended to be temporary, to be continued only so long as its continuance was necessary to the industrial independence and safety of the whole people. Such was the language, the inculcation, the spirit, in which it was proposed and justified by its earliest and wisest friends. The design was to foster feeble '*infant*' manufactures, especially such as were essential to the defence of the country in time of war. In this design the people have persevered until, with some, but not weighty, exceptions, these saplings have taken deep root, have become vigorous, expanded and powerful, and are prepared to share the common lot of human pursuits, and to enter with confidence the field of free, fair, and universal competition.

"The arrival of this period of time, long promised, has been anxiously looked for by a large and justly respected portion of our fellow-citizens, who deemed themselves peculiar and almost exclusive sufferers by the policy of protection. They have sometimes, perhaps, imprudently endeav-

what course Mr. Dallas would pursue. The Representative Hall was almost deserted, and the members crowded into the Senate to witness the termi-

ored to anticipate it. Their numbers, at first entitled to influence only from their patriotism and intelligence, have gone on, gradually increasing as the system ripened to its fruit, and they now constitute what I am bound by registered facts to regard as a decided majority of the people and of the Union.

"It is undoubtedly true that this change of financial arrangement, brought about by public opinion, '*which every where ought to guide and influence statesmen*,' should, nevertheless, be characterized by moderation, nay, by scrupulous tenderness for those interests of our fellow-citizens that are to be affected by it. The legislation which encouraged their investments, their educational training, or their habits, should cease, finally and firmly, if required, but still soothingly and gently; and hence I may be pardoned for expressing a regret that certain provisions which, in their bearing, seem to me trenchant and sudden beyond the calls of the occasion, have been allowed to remain as parts of this bill. Were it in my power to except these provisions from the operation of my vote, I would do so; but viewed as a whole, as a measure to accommodate a vast and intricate subject to the prevailing sentiment of the American people, to reduce the burdens artificially imposed upon the laboring and productive masses, and to reconcile diminished restrictions of trade, with increased contributions from it, I cannot resist the impression that the bill is more equal, more tempered and more just, than the act of 1842, which it supersedes. That it deals with some pursuits and resources of my native commonwealth less kindly than she might well expect, does not relieve me from my duty, but only makes its performance personally reluctant and painful.

"In aid of these considerations, adequate, perhaps, in themselves to control my vote, there is another which, I am free to confess, nothing but an unforeseen, sheer and pressing public necessity, could ever induce me to forego or forget. In strict concord with the letter and spirit of the Constitution, the Vice President of the United States, now called upon to act, is the direct agent and representative of the whole people. In advance, and dependent upon contingent results, it is perfectly competent to this, his national constituency, to give instructions, and to receive pledges for their execution. On this identical subject of a tariff of duties on imports, whatever may have been the cause of local and casual inconsistency, my own honor can admit of no disclaimer of instructions that were formally announced, and my own good faith stands inviolable to a

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nation of the struggle. The galleries were thronged with beauty and fashion. The manufacturers were assembled in strong force. The reporters bent eagerly forward to catch the words which fell from the lips of the presiding officer. A solemn silence reigned profound, while Mr. Dallas proceeded to deliver his celebrated address. All eyes were bent upon his commanding and expressive countenance, and each ear drank in the language which he uttered with an earnestness and impressiveness of tone, that proved his sincerity. As he proceeded, the hopes and fears of his audience alternated, and when he concluded, the most unbounded satisfaction was expressed by all who favored reform, and the deepest disappointment and chagrin were imprinted upon the countenances of the protectionists.

On the 28th of July, the bill passed the Senate with an unimportant amendment, and was returned to the House for concurrence, where it run the hazard of defeat. After its passage in that body, several members had become alarmed, and there was great danger that the bill would be defeated by the insertion of specific duties. The object of its friends, therefore, was to sustain the demand for the previous question, which would have the effect of preventing amendment or debate. That motion

pledge voluntarily given. If by this acting it be my misfortune to offend any portion of those who honored me with their suffrages, I have only to say to them, and to my whole country, that I prefer the deepest obscurity of private life, with an unwounded conscience, to the glare of official eminence, spotted by a sense of moral delinquency."—*Address of the Vice President of the United States, July 28th*, 1846. *Congressional Globe, 1st session 29th Congress*, p. 1156.

could not, by the rules of the House, be decided by yeas and nays. The danger that was incurred resulted from the fact that certain members would vote one way, when their names were placed upon the journal, and differently when they were not put to that ordeal, and the consequence was, that the vote for sustaining the call for the previous question was 102 ayes and 101 noes.* If the previous question had not been sustained, the bill, in all probability, would have been amended in such a manner as to insure its defeat; as it was, it passed the House by a vote of 115 to 92, and the Tariff Act of 1846, having received the signature of the President, became the law of the land.

For the reason that the Tariff question was the great domestic measure of reform during the administration of Mr. Polk, I shall give at considerable length the arguments upon both sides.†

* Congressional Globe, 1st session 29th Congress, p. 1165.

† "Mr. S. said he wished to consider for a moment the Tariff as connected with agriculture, and it might startle the Secretary to tell him that Massachusetts now exported to foreign markets more agricultural produce than any other State in the Union. She exported it as the British imported it, not in its raw form, but converted into manufactures; and, what was still more important to the grain-growing States, she exported it in a form not to compete with, or at all effect, the price of produce, in its raw condition, in the foreign markets. And it might startle the Secretary still more to tell him that millions of dollars' worth of hay, oats, straw, grass, and corn, were transported annually over the mountains to the Atlantic markets, from Ohio, Kentucky, and the other western States. But is it not strictly and undeniably true? Not in its original form, but like British goods, converted and changed into a condition in which it can be transported to market—converted into hogs, horses, and fat cattle; for what are these but the corn, oats, and hay of the western farmer, changed into animated forms, and made to *carry itself* to market. A fat hog carries eight or ten bushels of corn to market, and a fine western horse carries

The adjustment of a tariff has been the cause of much difficulty for the last thirty years. In its discussion the ripest scholars and profoundest states-

seventy or eighty dollars' worth of hay and oats to the eastern market, with the farmer on top of it, which he sells for the cash, and returns home to repeat the process. And thus foreigners convert *their* agricultural produce, not into hogs, and horses, but into cloth, iron, hats, shoes, every thing you find on the merchant's shelf, and send them here for sale and consumption. Our merchants throughout the country, so far as they sell foreign goods, are in fact but retailers of foreign agricultural produce, converted into goods and sent here for sale; and, when we look abroad at their vast numbers, is it surprising that money should be scarce? It has been clearly proved that more than half the value of a yard of cloth consists of wool, and the subsistence of the labor employed in its manufacture. That nine-tenths of the value of pig-iron consists of agricultural produce, and that even a yard of lace is but little else than the *subsistence* of the foreign pauper labor employed in its fabrication. Yet the farmer seems not to be aware, that when he pays $20 for a suit of British cloth, he sends $10 of the 20 in *hard* money (they take no paper) to purchase British wool, and bread, and meat, while he has no market for his own. Yet is it not true? And is not this the policy recommended by this Administration? He was admonished to be brief, but he would, while on this point, state another fact susceptible of the clearest demonstration, that the constituents of every member in this House from Ohio, Indiana, Illinois, and all the grain-growing States, are at this moment purchasing and consuming five dollars' worth of British agricultural produce to one dollars' worth Great Britain takes of theirs. By referring to the official reports on commerce and navigation for ten or twenty years back, it would be found that our imports of British goods amount to nearly fifty millions a year, while she has taken, of all the agricultural products of the grain-growing States of this Union, flour, grain, meat, &c., less then two millions and a half. Now if only half the value (and it was much more) of these goods consisted of agricultural produce, this would give twenty-five millions of British agricultural produce, taken annually by us, to two and a half millions of ours taken by them, just *ten to one*. Now, assuming that consumption is in proportion to population; then these western gentlemen's constituents are consuming not *five* but *ten dollars'* worth of British agricultural produce to *one* Great Britain takes from them; and yet the Secretary is not satisfied, but wishes to increase the import of foreign goods to favor the *farmers!* Reduce the duties, says the Administration, to increase imports, and amen, say most of the representatives of these western farmers. But what would these farmers say

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men in the Union have exerted their powers. The classes who have been favored by the protective system have struggled to maintain the privileges

to their representatives when they come to look *practically* and not theoretically at this matter? He (Mr. S.) intended to call their attention to it. He intended, after the example of the Secretary, to address some questions to the farmers of this country, and he hoped soon to have their answers to lay before the House; he wanted the facts on both sides. He would ask, for instance, how much agricultural produce there was in a yard of domestic cloth, or a ton of iron? and whether, if brought from England, (where it was made of the same materials,) they did not purchase English wool and provisions converted into cloth, iron, &c., when they had no market for their own? He would ask the merchants and manufacturers what were the prices of cotton and woollen goods, glass, iron, nails, &c., in 1816, when the first protective tariff was adopted, and what they were now? He would ask the working men what would be the effect of 'free trade,' recommended by the Secretary of the Treasury, on the wages of labor in this country? Such questions, in his judgment, would not only furnish important facts, but, what was more important, it would bring the farmers and laborers to investigate this subject in a common sense practical point of view, and to figure it out for themselves; in this way more would be done to bring the people to a right understanding of this highly interesting subject, than by all the speeches made here or elsewhere."—*Speech of Mr. A. Stewart, in the House of Representatives, December 9th*, 1845. *Appendix to the Congressional Globe, 1st session 29th Congress*, p. 58.

"But now that doctrine is repudiated by the Administration. The President of the United States, his Secretary of the Treasury, and the Committee of Ways and Means, have made the financial discovery that a reduction of the Tariff will greatly enhance the amount of revenue from imports. It is true, that they have the operation of the famous compromise act staring them in the face, and contradicting their position. They know that in 1842, when the duty came down to 20 per cent., the revenue was reduced to $12,700,000; and that by the commencement of cash duties within that year, the year 1842 was practically a year of five quarters; having all the revenue of that year, and the payment of bonds given for goods imported the last quarter of the preceding year; and, also, that this revenue would have fallen off still more, had not Congress, early in 1841, imposed additional duties upon silks, wines, and several other articles. All this must be known to the Administration; nor can

which it guarantied against the advocates of free trade. The contest which was waged during the discussion of the tariffs of 1828 and 1842, is still

they have forgotten the embarrassed state of the Treasury, and the almost perfect prostration of every branch of industry at the time. They must also know, that the Tariff act of 1842 relieved the Treasury and gave general prosperity to the country. All this must be within their knowledge; and yet, blind to the past, and deaf to the voice of experience, they come forward, and ask us to abandon the policy under which we have enjoyed such unexampled prosperity, and to follow out a mere abstraction—the dream of some visionary speculators. And can they give us any assurance that their system will work well? Can the Committee of Ways and Means tell us what amount of revenue their bill will yield? They have furnished us with no such estimates. And I presume, if interrogated, the honorable Chairman will tell us now, as he did two years ago, that he knew nothing about it, and could form no conjecture satisfactory to himself. In his report of 1844, which accompanied his Tariff bill, we find this frank confession: 'It may be expected of the Committee that they will make an estimate of the revenue to be realized under the rates of duty they proposed to establish; but they feel themselves wholly incompetent to do so, to any useful purpose.' He then goes on to say, that the calculations which have been made by the different Secretaries of the Treasury are mere vague conjectures, not to be relied upon. This was the position of that Committee at that time, and I will venture to say that the Chairman will not impart any more information at this day.

"Can he give us any assurance that his bill will yield even $20,000,000 of revenue? He cannot. I am aware of the difficulty of making any thing like an accurate estimate on this subject; but from the vast information I can obtain, I do not believe that the Committee's bill, without tea and coffee, will yield more than $20,000,000 at farthest, and with tea and coffee not more than about $21,000,000 of net revenue. We are then called upon, for the purpose of increasing the revenue, to try an experiment, on the success of which the Committee themselves dare not even hazard a conjecture. We know the operation of the present law. We have seen that it will yield from $26,000,000 to 28,000,000 of net revenue: and still we are asked to give up this certainty for an uncertainty, or rather a certainty of success for a certainty of defeat.

"But we are told that we must adopt the *revenue standard* and bring all duties down to the *revenue* rates. Sir, before examining this boasted revenue standard, I cannot forbear remarking upon the peculiarity of this language, or rather the great stress which is laid upon it. We hear of

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continued with more confidence and success upon the part of [illegible] nds of unrestricted commercial relations, and [illegible] doubt and misgivings by the

revenue, revenue, revenue, as if the great end for which the Government was instituted was to fill its own coffers. From language which gentlemen employ, we should think that the Government had an interest distinct from the people, and that the Alpha and Omega, the beginning and the end, the object and the aim of all legislation was to collect money for the Government to expend. Our fathers maintained that Government was instituted for the good of the people; but this old-fashioned maxim seems to be inverted, and the policy now is, if I mistake not the signs of the times, to look at the wants of the Government alone. But, Sir, I repudiate this new doctrine. It is monarchical in its character; it is the essence of despotism. The interests of the people should be the great object in view, and the interests of the Government, when it comes in competition with the interests of the people, should not stand for a moment."—*Speech of Mr. Hudson of Massachusetts, June 24th*, 1846.

"I have already stated that the general principles of this bill are novel and dangerous in their consequences. They are the principles of free trade, with the exclusion of all discrimination, as incidental to revenue, to favor the productions or industry of the country. And in connection with these, is the principle of ad valorem duties, never before introduced as a general rule of assessing duties. These principles are laid down and attempted to be defended by the Secretary of the Treasury, in his Financial Report, at the commencement of the session. The Secretary comes forward with a new theory, which, it is said in a certain quarter, none of his predecessors ever had courage to advance. It is certainly true, that none of those who have preceded him ever advocated such a theory; but whether for want of courage, or want of confidence in its principles, cannot be very doubtful. Neither Mr. Gallatin, Mr. Dallas, Mr. Crawford, Mr. Ingram, or Mr. Woodbury, nor any other democratic Secretary, ever advocated or gave countenance to such doctrines.

"This report, in imitation of the ancient and long since exploded philosophy, lays down certain abstract principles, or categories, which are to control and regulate the entire revenue and tariff system. The first principle is, that no more revenue should be raised than is necessary to an economical administration of the Government. To this rule all will probably assent. The second principle is, that in all cases the lowest rate of duty should be imposed which will produce the largest amount of revenue; that there may be discriminations below this rate for revenue, and for spe-

protectionists. As the subject is comprehended by the people, more liberal opinions have taken possession of the public mind, and the flood of light which

cial reasons some article may be admitted free of duty. This is the governing principle of the whole system; and it is apparent that it excludes all discrimination, as incident to revenue, to favor the products of the country, or the labor of the country, or to countervail the legislation of other countries. You are only to discriminate in the descending scale, and that for revenue only. The maximum rate is a revenue duty, and the lowest point of revenue duty; and to discriminate below that, certainly cannot be for protection. It is but justice to the Secretary to state, that he does not, in express terms, deny that there ought to be any discrimination for protection; but he nowhere asserts that there should be; and his principles certainly entirely exclude all discrimination for protection, as incidental to revenue. To discriminate in the descending scale, from the lowest rate which will produce the greatest amount of revenue, is to discriminate against protection. This is perfectly clear; for, to reduce the duty, is to favor and increase importations to the injury of home productions. The President, if I mistake not, speaks about discriminations within the revenue standard. But what is the revenue standard? Can any one tell? Is it the rule laid down by the Secretary—the *lowest* rate of duty—which will produce the greatest amount of revenue? If this is the revenue standard, then, as I have shown, there can be no discrimination for protection within the revenue standard, as you can only discriminate by reducing the rate of duty, which will increase importations at the expense of home production. The true revenue standard is a rate of duty which will produce revenue, and a reasonable amount of revenue, but by no means the largest amount of revenue, as that would be to favor the largest amount of importations. If there is any general principle to be adopted in arranging a tariff of duties, it should be this, to ascertain what is the due average rate of duty required to produce the whole revenue demanded for an economical administration of the Government, and then to discriminate above that rate for protection, and also to throw a heavier tax on luxuries, and below it, to lighten the burdens of taxation, and to favor articles of general or universal consumption. Suppose the average rate of duty for revenue to be 30 per cent., which is said to be the case by the Secretary of the Treasury in 1845: the discriminations for protection must be above that rate, except in respect to raw materials entering into the elements of manufactured products, and the discriminations below that rate are for revenue, or to lighten the burdens of taxation. There are two rates of duties which may be considered as protective—those above the average revenue

is thrown upon it, will soon establish upon a firm and immovable basis the doctrines of free trade.

But the advocates and beneficiaries of the pro-

standard, on articles interfering with those produced in the country, and those below the average rate, or admitted without duty on raw materials. This presents the matter in a very simple light, and will enable us to decide on the true character of this bill. This is no theory, but is simply taking the facts of the case as the only safe basis for arranging a system of revenue duties with incidental protection. But in regard to abstract theories, whether of free trade or protection, not originating in the facts of the case, not having their source in the actual condition of the country, they are not only idle and profitless speculations, but mischievous and dangerous. Sir, I hold all such theories in utter contempt, as beneath the regard of statesmen, and subversive of all sound legislation. There are no theories, no general principles on this subject, possessing the authority of universal truth, or universal application. A system of revenue, whether on free trade principles or protective principles, may be suitable and proper for one country, and very unsuitable for another. Every country should form and adopt a revenue system adapted to the condition, pursuits, and interests of its own people. To adopt a system resting on any other basis, or any abstract theory, is to disregard entirely the interests of the country, and to expose them to be sacrificed. It is to sport with the rights, the interests, and labor of the people. This sport, like the fable of the boys and the frogs, may be very agreeable to speculative theorists and speculative politicians, but it may be death to the people whose interests and employments are crushed by it. Revenue laws should be adopted like all other laws, not in pursuance of a theory, but by carefully examining the facts in every particular case of duty imposed, and perceiving, so far as human sagacity can do it, aided by experience, what is to be the practical operation of the law, what are to be its effects and consequences, not only directly, but collaterally and indirectly."—*Speech of Mr. Niles in the Senate, July* 20, 1846. *Appendix to the Congressional Globe,* 1*st session* 29*th Congress,* p. 882.

"Mr. President, it appears strange, but after all, we must admit the fact, that the appearance of this bill in the Senate, with a prospect of its passage, has struck the country suddenly and with surprise. It has brought about no small degree of alarm. The public expectation was not prepared for it. I do not say that there had not been enough of previous admonition, or indication. I speak of the fact, and I think it must be the conviction of every one that hears me, who has observed the development

tective system are marshalling their forces, preparatory to an assault upon the tariff of 1846. They entertain the hope, by a combination of those in-

of public sentiment since the appearance of this measure, that the country is surprised, greatly surprised, at any probability that it should receive the final sanction of Congress and the President. Now, sir, it seems to me, that in this state of things, with such a measure before us, at this advanced season of the year, when there is no pressing necessity for immediate action, the true policy is to postpone its further consideration. If this were a measure to raise money to carry on a war, if it were a measure of taxation, for the contraction of loans, of the issue of treasury notes, or any other measure which had for its object the supply of means to meet necessities of Government, why then the exigencies of the case might be a very just motive for proceeding to its immediate consideration. But there is no man within the hearing of my voice, and I am happy that there are some within its hearing who are not of this chamber, [referring to Mr. Secretary Walker, who was present, occupying the seat of one of the democratic Senators,] who will say, that the treasury will not be as competent, the ability of the Government as great, its arm as well nerved to prosecute the war in which we are engaged three months longer if this bill should not pass, as if it should. Therefore, it seems to me to be a case for further consideration; and, at the close of the remarks which I propose to submit to the Senate, I shall move the postponement of this measure till next session of Congress."—*Speech of Mr. Webster of Massachusetts in the Senate, July* 25 *and* 27, 1846. *Appendix to the Congressional Globe,* 1*st session* 29*th Congress*, p. 1139.

"But the tariff of 1842 is to be overthrown. The fierce and bitter denunciations—the outpouring of all sorts of opprobrious epithets directed against the existing law, proclaim the purposes of its opponents. Well, why is it to be overthrown? This is a question surely worth a moment's consideration. Has the tariff of 1842 accomplished that which its friends and advocates and supporters promised it would accomplish? Has it failed in the fulfilment of any single object which it was designed to gain? Has it yielded an adequate revenue? Has it restored public credit and public confidence? All this we promised. All this we pledged ourselves to achieve. And how were our promises and pledges met? Why, gentlemen then on the other side—and I see many of them still here—ridiculed our professions and promises. They predicted a great decline in the revenue. They predicted destruction to our commercial interests. They predicted all manner of evil. It was maintained that we would not be able

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terested in the re-establishment of that system, that their designs can be accomplished.

Single-handed they are unable to cope with the

to obtain the loans necessary to carry on the Government—for the treasury was then so impoverished that the Government was under the necessity of borrowing twelve or fifteen millions—and I recollect, that one gentleman contended very zealously that we should be obliged to give $100 in scrip for $90 in cash. Well, we passed the law authorizing the loan, and not a dollar could we get at any rate, till this revenue bill was passed. Then, sir, money enough could be obtained, and at a lower rate of interest than that authorized to be paid. The public credit advanced at once, and continued to advance until the stocks of the United States reached, I think, a maximum of about 115 or 116, and at that sold rapidly after the enactment of this law, because every body saw that we had a system which would enable us to carry on the Government, to pay the interest punctually, and the principal when it became due. Look, then, at the working of the act of 1842. It did not go fairly into operation for several months after it was enacted. It can hardly be said that it was fairly in operation till the succeeding spring—the spring of 1843. About that time we changed the commencement of the fiscal year, so that our fiscal year now ends on the 30th of June. Take, then, the first whole fiscal year under the act of 1842, and you will find that it yielded us (after paying all the expenses of collection, drawback, and every thing else, of which I shall speak by-and-by) twenty-five and three-quarter millions. That was the result of the first year. In the second year, 1845, the amount was twenty-six and three-quarters, almost, showing an increase of about a million. In the third year, just ended, June 1846, the net amount was $26,311,864, according to the best computation I could make, for the statements are quite contradictory. By the papers received this morning from the Secretary of the Treasury the amount is set down at $26,681,915. Thus is shown a constant increase, but an increase marked by an extraordinary uniformity. Here are three successive years in which the amount received into the treasury scarcely varies—nothing perceptible. There are no such other three years to be found in our history, or any thing approaching to them. Well, now, is not this a most extraordinary illustration of the character and working of our tariff? Search our statute-books from beginning to end, and you look in vain for any other law whose operation has been so uniform—so steady. During these three years we have had none of those fluctuations, which result from excessive importations—one year diminished importations next year excessive importations—embarrassing the whole business of the country, and of course

farming and commercial interests. But by arraying the cotton manufacturer, the iron master, the sugar planter, the salt manufacturer, and all other branches of "home industry," they have every confidence in their ability to impose burdens upon agriculture and commerce for their benefit.

Any one at all conversant with the influences brought to bear at Washington, for the accomplishment of a favorite object, can at once discover the difficulties which the advocates of free trade have to encounter. If the Representative from an iron district can procure the establishment of specific duties, he will gratify the member who represents a cotton manufacturing district, by voting to insert minimum duties, and by this quiet understanding they succeed in fastening the system upon the country. Scruples they have none at the palpable injustice inflicted upon the other great interests of the country, provided they can put money in their pockets. What is there about a cotton mill or an iron foundry which entitles the owner thereof to demand that money should be taken out of the pockets of others to be put into his own?

Why should the farmer, by far the largest class of our citizens, and at least as worthy, be forced to purchase of the American manufacturer articles

embarrassing the financial affairs of the Government. Sir, I repeat it, there is nothing to be found in our history presenting any parallel to these three years.—*Speech of Mr. Evans in the Senate, July* 14, 1846. *Congressional Globe, 1st session 29th Congress*, pp. 1090 and 91.

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which he can obtain at lower prices of the foreigner? What does he gain by the operation?

I will fairly put the arguments of the friends of the protective system. First, they say that ultimately protection will enable them to sell goods as cheap as they would be if the foreigner had command of the market. If this assumption were true, it would be no reason, as I shall hereafter prove, why bounties should be paid by consumers to the domestic manufacturer.

But assuming, for the sake of illustration, that this assumption is correct, and that iron, sugar, salt, cotton goods, silks, &c., can be manufactured here as cheap as foreigners can land them at our wharves; unless some one would generously step forward and gratuitously pay the tariff on the foreign fabric, it would be excluded—no revenue would accrue therefrom, and direct taxation would be the result. But these promises to consent to a reduction of the tariff to a revenue standard after a few years' protection, have been repeatedly violated. A few years of protection only was asked for in 1816, 1824, and 1828. Similar pledges were made in 1833, by Mr. Clay, the father of the protective system.* The compromise act was introduced by that distinguished Senator, to give to the protected classes a graduating scale of duties, instead of an immediate resort to the revenue standard.† That motive he dis-

* "Now give us time; cease all fluctuation and agitations for nine years, and the manufacturers in every branch will sustain themselves against foreign competition."—*Speech of Mr. Clay upon introducing the Compromise Act*, 1833.

† "I am compelled to express the opinion, formed after the most de-

tinctly avowed, and the solemn pledge was made, that if the compromise bill should become a law, no American statesman would ever disturb that treaty of peace and amity.* On the 30th of June, 1842, the opponents of the protective system, by the terms of the compromise act, were to be relieved from the burdens of that policy. The shackles were to be taken from trade, a revenue standard was to be established, and oppressive burdens were no longer to be imposed. But favors long enjoyed, were not thus to be surrendered. The privileged classes again rallied to procure an extension of those benefits which were too delightful to be yielded, and honor and good faith could not resist the demands of interest for two months. The tariff of 1842 was passed, and the principles of the compromise act were violated.† There was no ex-

liberate reflection, and on full survey of the whole country, that, whether rightfully or wrongfully, the tariff stands in imminent danger. If it should be preserved during this session, it must fall at the next session."

"I am anxious to find out some principle of mutual accommodation, to satisfy, as far as practicable, both parties; to increase the stability of our legislation; and, at some distant day—but not too distant, when we take into view the magnitude of the interests which are involved—to bring down the rate of duties to *that revenue standard* for which our opponents have so long contended."—*Ibid.*

* "But if the measure should be carried by the common consent of both parties, we shall have all security; history will faithfully record the transaction; narrate under what circumstances the bill was passed; that it was a pacifying measure; that it was oil poured from the vessel of the Union to restore peace and harmony to the country. When all this was known, what Congress, what Legislature would mar the guarantee? What man who is entitled to deserve the character of an American statesman would stand up in his place in either House of Congress, and disturb the treaty of peace and amity?"—*Ibid.*

† "The present tariff law is sufficiently discriminating; holds to com-

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cuse for the passage of the tariff of 1842. The embarrassments which pervaded the country were not attributable to the operations of the compromise act.* But it is insisted that the prices of manufactured articles have fallen since the year 1816. I admit it. But prices have fallen, not only here, but throughout the world. Mechanical skill has made wonderful improvements in machinery, which has been substituted for hand labor. This has undoubtedly contributed more than any other event to reduce the price of goods. The farmer boy hesitates to cultivate the flax, which, when manufactured by his mother's hand, is to become his raiment; the busy hum of the wheel, which we listened to in our childhood, is hushed; the sound of the blacksmith's hammer is seldom heard moulding his nail from the hissing iron; and in their stead we hear the confusing sounds of the loom, as its complicated machinery, almost without the aid of human beings, unfolds to view the curious specimens of its skill, while the steady and un-

mon sense, and rejects the principles of the Compromise act, I hope for ever."—*Mr. Webster's Speech at Fanueil Hall, September*, 1842. *National Intelligencer, October* 4, 1842.

* "With regard to the operation of this act, (the Compromise Act,) it is a *great mistake to say that any portion of the embarrassments of the country have resulted from it.* Other causes have contributed to this result; and it is to be attributed to the experiments which have been made upon the currency. The embarrassments are also to be attributed to the action of the States, which, by plunging into schemes of internal improvement, have contracted debts abroad, and thereby given a false and fictitious appearance to the prosperity of the country; and when their bonds depreciated, the evils under which they now suffer, as a consequence, ensued."—*Speech of Mr. Clay in the Senate, February* 18*th*, 1842.

ceasing fall of the well-fashioned nail, as it drops from the mill, proclaims the substitution of artificial for natural power.

The low price of the raw material, and of food, as our vast forests disappear before the woodman's axe, and broad acres yield their harvest as a reward for toil, is by no means an unimportant cause of the fall in price of manufactured goods within the last twenty years. Notwithstanding all these elements aid the manufacturer, in fulfilling his promises to reduce the price of manufactured articles upon the establishment of protective duties, we find, on the contrary, that many necessaries of life, which were protected by the tariff of 1842, increased in price after the passage of that act. Another favorite argument used is the following. They assert, that if prices are increased by the passage of a protective tariff, still, by extending to the farmer a home market, they grant him an equivalent. There is some plausibility and much sophistry in this argument. Its importance is consequently the theme of their praise, until the foreign market, commerce and every thing else, dwindles into insignificance. But how can a home market be obtained for the vast produce of this country? Cast the mind over our territorial limits, commencing upon the eastern border, running along the line dividing this country from the possessions of England, to the Pacific, thence along the new boundary between this Republic and Mexico, around the Gulf and along the Atlantic coast to the beginning. Within this line is inclosed an empire with more resources than any

other on the earth, and with a hardy, honest and industrious people to develope them. Even east of the Alleghanies and west of the Rocky Mountains, the soil and climate would satisfy the most fastidious. But when the mind attempts to take in the valley of the Mississippi, with its water power, its vast and fertile plains, its acres of rich and virgin soil—the myriads of human beings who are destined to develope its vast resources—the amount of produce which will float down the father of waters, seeking a market throughout the world; when we contemplate all this, emotions of contempt arise in our minds at the idea of crowding the agricultural products of *such* a country upon a home market! and of confining its resources within its own borders.*

* According to the reports of Mr. Ellsworth, the following is the amount of wheat and Indian corn raised in the United States in 1842, '43, '44, viz:

Years.	*Number of Bushels.*	
	Wheat.	*Indian Corn.*
1842,	102,317,340	441,829,246
1843,	100,310,850	494,618,306
1844,	95,607,000	421,953,000
	298,235,190	1,358,400,552

By an examination of the report of the late Commissioner of Patents, the Honorable Edmund Burke, made February 24, 1846, it appears that there was raised in this country in 1845—

Of wheat, ... 106,548,000 bushels.
Of corn, ... 417,899,000 "

Quantity of the different grains produced in the United States in 1847.

The following is the amount of the different kinds of grain produced in the United States in 1847, according to the estimate contained in the table preceding the agricultural report of this office for the present year, viz:

The natural and inevitable effect of establishing the protective policy, is to produce restrictions upon commercial intercourse with foreign powers. It

Breadstuffs.	*Bushels.*	*Total Bushels.*
Indian corn or maize,	539,350,000	
Wheat,	114,245,500	
Rye,	29,222,700	
Buckwheat,	11,673,500	
		694,491,700
Grain not used for Breadstuffs.		
Oats,	167,867,000	
Barley,	5,649,950	
		173,516,950
Total,		868,008,650

Other articles of Food.	
Potatoes,	100,950,000 bushels.
Beans and Peas,	50,000,000 "
Rice,	103,640,590 pounds.

Estimated population, 20,746,400.

Report of the Commissioner of Patents, January, 1848.

We now deduct the consumption of the country from the aggregate quantity of grain produced, and thus exhibit the surpluses remaining on hand for exportation:

		Surplus for Exportation.
Wheat.	*Bushels.*	*Bushels.*
Quantity produced in 1847,	114,245,500	
" used for seed,	11,424,550	
" consumed,	62,239,200	
	73,663,750	40,581,750
Indian Corn, or Maize.		
Quantity produced in 1847,	539,350,000	
" used for seed,	6,000,000	
" consumed by men,	103,732,000	
" consumed by animals,	230,963,096	
" used for distilling and other purposes,	25,000,000	
	365,695,096	173,654,904

cannot be supposed that we can exclude foreign importations with impunity. By no means. As a retaliatory measure they will prohibit the introduction of our surplus produce. And can it be supposed that to enable a few interested manufacturers to make ten, fifteen, or twenty per cent. upon the capital invested, when the farmer does not make more than from three to six, that we are to resort again to the protective policy? What are we to gain by trading with each other? Let us illustrate this policy. Suppose the State of New-York should

		Surplus for Exportation.
Rye.	*Bushels.*	*Bushels.*
Quantity produced in 1847, . .	29,222,700	
" used for seed, . . .	3,652,587	
" consumption estimated, .	10,373,200	
" used for distilling, &c., .	10,000,000	
	24,325,787	5,296,913
Buckwheat.		
Quantity produced in 1847, . .	11,673,500	
" used for seed, . . .	723,343	
" consumed, . . .	6,000,000	
	6,723,343	4,950,935
Total surplus for exportation to foreign countries, .		224,384,502

The same authority estimates the number of swine in the United States at 35,000,000, and the number of sheep at 25,000,000.

"The quantity of wheat raised in the United States during the last year will, according to the estimates of this office, not be less than 126,000,000 bushels. The quantity of corn produced is estimated to be about 588,000,000 bushels; oats, 185,000,000 bushels; potatoes, 114,000,000 bushels; rye, 33,000,000 bushels; buckwheat, 12,500,000 bushels; barley, 6,222,000 bushels; hay, 15,735,000 tons; hemp, 20,230 tons; cotton, 1,066,000,000 pounds; tobacco, 219,000,000 pounds; rice, 119,000,000 pounds; and sugar, (in Louisiana,) 200,000,000 pounds."—*Ibid.*

enact a law, the effect of which would be to prevent our citizens from purchasing any article whatever without the limits of this State, or selling any article to be taken therefrom, and the Legislature should assign as a reason, that our citizens would become prosperous, happy, and rich, by trading with each other. Again: suppose an old patriarch, the father of many children, should collect them together for the purpose of giving them advice. He informs them that the cultivation of the soil is the natural occupation of man; but that they would become more independent and happy, if a portion of them would turn their attention to manufacturing; thus furnishing to the rest a home market. The objection is urged, that they prefer the cultivation of the soil to the heated and unwholesome atmosphere of a factory or workshop; and that their neighbors are already engaged in that business, affording them an opportunity of exchanging their surplus produce for manufactured goods. But the patriarch insists, that although for a period the tax would be somewhat burdensome to those who continued the cultivation of the soil, yet the result would be independence, prosperity, and a home market, all flowing from this trade with each other. How absurd would such a policy be thought, if adopted by a State or a head of a family; and it is equally preposterous when attempted by a great nation like this. A farmer may wish to purchase in the city of New-York goods manufactured in Europe; why should the Government prevent him, by assigning as a reason, that in frustrating his

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wishes in this particular, manufactures will spring up, and after a lapse of years he can purchase similar articles in this country. Why should the Government force him to purchase in one place, when he wishes to purchase in another? There are many considerations which should influence us in establishing the doctrines of free trade. In the first place, it produces domestic tranquillity. There is no justice in the protective system, and it will, consequently, produce dissatisfaction and discontent, alienating the affections of one half our citizens from the Union. Free trade will induce foreigners to remove restrictions from our commerce. It will introduce feelings of amity and friendship among the nations of the earth. It will disseminate the principles of republicanism, and hasten the day when the doctrines of the Bible will be preached to the nations of every land.

It is true that no tariff can be perfect, and there will arise a necessity for modifications, which a wise legislator will not overlook. But at the same time a regard for the interests of the *whole* country should be observed. No legislation for the privileged few at the expense of the many, should be for a moment tolerated. The most just and equitable method of raising money to defray the expenses of the General Government, is by direct taxation. It is by this system that funds are raised for State purposes. A tax is levied upon the property which an individual may possess. He is taxed according to the value of his estate. By this system of assessing taxes, a person with one hundred thousand dollars pays for

the support of the Government one hundred times more than the man whose property amounts to one thousand dollars. This is a just and equitable method of obtaining money. Raising revenue by a tariff is no less a system of taxation than the other; the only difference is, that in the one case, you know the time you are called upon to make the disbursement, and the exact amount you pay, while by the other plan, it is taken from your unconscious purses. The importer pays the tariff upon the goods, and adds it to the price of the article, and the consumer refunds the amount. By this system of taxation, money is not raised upon the value of property, but upon the articles of foreign importation, which the consumer thereof may purchase. It can readily be observed, that the poorest cultivator of the soil may, by this indirect system of taxation, be required to contribute more money for the support of the General Government than the richest banker in the land. The manifest injustice and inequality of this system of raising money, the more forcibly commends to our favor the one adopted by the States. The object should be to raise revenue; and as taxes in any form are oppressive, the lowest rate which will yield the required amount should be adopted. As far as practicable, taxes should fall upon the property of the country; and hence the importance of levying the highest duties upon luxuries, which are generally consumed by the rich, and the lowest upon those necessaries which the poor are compelled to have. Suppose from the tariff upon salt, $1,000,000 is raised; this tax is collected without any portion

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being paid by the domestic manufacturer of that article, for the reason that he uses his own salt. The same argument will apply to the iron master, the cotton manufacturer, and the grower of sugar cane. It is but just, then, that upon the luxuries which they do purchase, a high tariff should be levied, that they may pay their proportion of the taxes of the country. But it is insisted that specific should be substituted for ad valorem duties; and wherefore? By the ad valorem system the tax is laid upon the value of the article imported. Sugar worth $100, at 20 per cent., would yield a tax of $20; while upon the same amount of sugar, but of finer quality, and worth $200, the tax would be $40. A farm worth $7,000, upon which a tax of two per cent. would be levied, would yield a tax of $140, while one worth only $500, would yield only $10 revenue. The same argument, with equal force, will apply to silks, broadcloths, cotton goods, &c. There is nothing improper in this; on the contrary, it is in strict accordance with justice. But specific duties is a tariff of the same amount upon all articles of the same kind, weight, yard, &c. Brown sugar may be taken for the purpose of illustration. Havana sugar we will suppose worth $4 per hundred: the tax levied upon this amount, under the specific duties of the tariff of 1842, would be $2 50. Porto Rico, worth $2 per hundred, would yield the same amount of tax, *i. e.* $2 50. This is not more palpably unjust than levying the same duty upon all silks, all laces, all broadcloths, all ladies' hats, &c. &c., without regard to the quality of those arti-

cles. It would be as ridiculous as levying the same tax upon all farms, carriages, horses, &c., without regard to the value thereof. It would require the owner of ten acres of mountain land, to pay as much as Van Rensselaer, and force the tenant of a hovel to contribute as much as the owner of the most splendid mansion in New-York. There is no *justice* in the mode of raising revenue by specific duties; and therefore it cannot commend itself to our favorable consideration. But it is asserted by those who are ignorant of what they discuss, or are personally interested in the matter, that specific duties are necessary to prevent frauds. Such is not the opinion of a distinguished statesman, who has thoroughly investigated the subject.*

Minimum duties are as objectionable as specific.

* "What are the other principles of the Act? (Compromise Act.) First, there is the principle, that a fixed ad valorem duty shall prevail and be in force at all times. For one, I am willing to abide by that principle. There are certain vague notions afloat as to the utility and necessity of specific duties and discriminations, which I am persuaded arise from a want of a right understanding of the subject. We have had the ad valorem principle practically in force ever since the Compromise Act was passed; and there has been no difficulty in administering the duties of the treasury on that principle.

"Compare the system of specific and the ad valorem system of duties, and I maintain that the latter is justly entitled to the preference. The one principle declares that the duty shall be paid upon the real value of the article taxed; the specific principle imposes an equal duty on articles greatly unequal in value.

"I say that in theory, and according to every sound principle of justice, the ad valorem principle is entitled to the preference."

"I believe that if we adopt a fixed rate ad valorem, wherever it can be done, the revenue will be subjected to fewer frauds than the injustice and frauds incident to specific duties."—*Speech of Mr. Clay in the Senate, March* 1, 1842.

Nothing could be more odious than this method of collecting taxes. Coarse cotton shirtings, worth in England three cents per yard, by the law of 1842 is *assumed* to be worth twenty cents per yard; thus bearing a falsehood on its face. If a duty of forty per cent. were levied upon the three cents, the real value of a yard of coarse cotton shirting, the tax would be about one cent; but *assuming* the yard to be worth twenty cents, that law would exact, even if the article could be admitted, a tax of eight cents instead of one. What would be thought of the equity of a State law, which would authorize a sheriff to *assume* that a farm worth $1,000 is worth $6,000; and instead of exacting from the owner twenty dollars, wring from his honest earnings one hundred and twenty? As much justice would there be in suffering a Shylock, who had loaned $100 at six per cent., to assume that he had loaned $600, and instead of receiving six per cent. interest, to extort thirty-six.

Notwithstanding the triumphs of the tariff of 1846, and the unparalleled prosperity which the whole country exhibits under its operation, still the discontented manufacturer harps upon the necessity of more protection; and the press which advocates their cause, portrays the advantages of the home market which will be extended to the farmer, provided he will generously allow them to filch money from his pocket. The farmer, however, fully appreciates the offer, and understands the operation of the swindling protective system in all its details. The time for humbugging the people of this country

is passed; and it is surprising that any attempts should be made to revive an odious system, which has been repudiated and condemned by the American people. What right have a few manufacturers to demand that a tax shall be levied upon the masses, that money may be put in their own pockets? Have they not already the protection which a strictly revenue tariff gives them?

Suppose a certain amount of foreign iron can be landed in New York for $100, and a tariff of $30 is laid upon it. This operation at once increases the article to $130. Is not that protection enough for the American manufacturer of the article? He has no right to ask even that protection; and it would not be extended to him, if it did not incidentally and necessarily follow from the levying a tariff upon foreign importations. Why should not the American farmer seek the cheapest market throughout the world to purchase his iron, salt, or sugar? Why should not the shackles be stricken from commerce, that he may carry his produce to any part of the globe? It is asserted that a high tariff will produce competition; the farmer will abandon his plough and become a consumer instead of a producer, all resulting in a glorious home-market. There would be some plausibility in this assumption if there were no forests to be cleared, and if the amount of production of the American soil had reached its highest point. But there are vast and gloomy forests spreading far to the westward, tenanted only by howling beasts and lurking savages. Our soil still repays bountifully the husbandman's

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industry. Europe still pours forth her thousands annually, seeking liberty and happiness; and man still prefers to breathe the pure air of heaven in the country, and quench his thirst from the cool waters which burst from the hillsides, to confinement in unhealthy manufactories; and shunning the toil of the crowded, confined, and joyless "corporations," seeks independence and happiness in the country, where the cricket is heard upon the hearth, and where his fire never goes out. The tariff of 1846 may require modification; if so, let it be revised for that purpose. But the people of this country will require a rigid adherence to the *principles* of that act. Let revenue alone be the object in adjusting a tariff upon imports. Let specific minimum and protective duties be forever discarded from the statute-book. Let the necessity for a high tariff be obviated by a rigid economy upon the part of the General Government, and that prosperity will continue, which stamps the present as an important era in our country's history.

Frequent allusion is made by the advocates of a protective tariff to the evils to be apprehended from the establishment of free trade. They insist that our people will become largely indebted to foreigners for manufactures, resulting in a balance of trade against us. They continually remind us of the importance of preserving the balance of trade in our favor in our dealings with *all* the powers of the earth. That is more than we ought to desire, or can ever expect to accomplish. We may become indebted to China for tea, to the East India islands

for spices, and to France for silks. We pay the debt off with the balance coming to us from England. The balance may be against us in trading with one country, and for us in trading with another—all resulting in a fair and equitable exchange of productions. To slyly overreach foreign merchants should not be considered peculiarly laudable, especially when it is done by obtaining commercial advantages altogether inconsistent with the laws of trade, and common honesty. No country with such a vast annual production as our own can ever have cause to fear the result of free trade. If our resources were small, and we produced little more than was necessary for our own consumption, it would be otherwise. But while, year after year, there is pouring from every hill and valley throughout the confederacy, our surplus produce to change for the necessaries and luxuries of the old world, we have no reason to dread the most unrestricted commercial regulations. The balance of *produce* and *consumption* is altogether a different question;—the amount of production may decrease, while its consumption increases, resulting in disaster and wretchedness. To illustrate: We will suppose that the United States increase in population until they number one hundred and fifty millions of inhabitants. If the production decreased, the result would be poverty and want, rendered more disastrous by mental and physical imbecility. The production of the world, through the indolence of its inhabitants, might become less than its consumption, ending in the same results. But where the production of a

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nation is greater than its consumption, the surplus can be exchanged for the luxuries and necessaries of other lands. Events may occur when the balance of trade may be against the United States, and the balance of produce and consumption remain in its favor. Suppose, to put a strong case, a nation imports for a certain number of years more in value than is exported, yet the substantial wealth of that nation may be on the increase, by the increased value, in a greater degree, of its yearly produce, the erection of cities, the building of railroads and canals, and the development of the resources of the country; thus laying the foundation for more extended and successful operations. It is true, this depends to a great extent on the internal resources of a country, and the inclination of her people to develope them. It will apply with much force to the United States, because our resources are immense; while it would not to a country where the consumption exceeds the production.

The illustrations used to prove the advantages of the protective system are exceedingly amusing, and demonstrate, at least, the profound ignorance of some of its advocates. This is exemplified by the demonstration of the leading whig paper in the United States.* To prove the fallacy of the argu-

* "It is quite clear, we think, that the surest and most *solid* business for us would be to make our exports exceed our imports, because the balance, whatever it may be, will come to us in coin; that is to say, if, in 1845, we export $150,000,000 and import only $100,000,000, the balance of $50,000,000 due us by the residue of the world will be received in the 'hard,' which should be as welcome to the loco focos as to the whigs." —*National Intelligencer, October* 8, 1845.

ment, it is only necessary to examine it. Suppose we should receive $50,000,000 annually, as the balance due us by the nations of the earth, how long would it take us to receive *all* the gold and silver in the world? The amount of gold and silver in circulation has been estimated at $5,000,000,000. It would therefore only require one hundred years, according to the theory of the *Intelligencer*, to drain the universe of its gold and silver. The most effectual method of advancing the prosperity of this country, is to obtain a foreign market for its vast surplus produce. If this can be accomplished, there is no danger of bankruptcy being the fate that awaits us. The great staple of this country is cotton. Let commercial treaties with China enable us to balance with that country our accounts with *cotton*. The imports of merchandise into China from the United States, in 1844, amounted to $1,320,170
The export of China on American account, was - - - - - 6,686,171

Leaving a balance against the U. S. of $5,366,001

There is no reason why this balance should not be discharged with cotton. The total number of bales of cotton exported from the United States to foreign ports, from 1st September, 1848, to 31st August, 1849, as appears from Hunt's Magazine, was - - - - - 2,227,844
Excess over last year, - - - - 369,583

Now let us see what was the amount compared to this, which was consumed by the much lauded home market. The quantity of cotton consumed by

and in the hands of the manfacturers, was less than 520,000 bales. Now shall this large surplus remain upon the hands of the producer, that the manufacturers may be pleased by the establishment of restrictive duties? It is not alone the article of cotton which we want to exchange for the productions of other countries. The United States could become, if necessary, the granary of the world. The farmer desires a market for his corn, pork, beef, flour, and tobacco, as well as cotton. It is for the accomplishment of these ends that the influence of the Government should be wielded. The diplomatic agents of the United States should be directed to make constant exertions to procure the admission of the productions of our people into foreign countries, upon the most favorable terms. When that is done, we shall realize all the benefits resulting from the illimitable resources of the most favored country upon the globe. The policy of establishing countervailing duties as an offset to the high tariffs which were imposed upon their subjects by foreign powers, received the warm support of the whig party. It is difficult to conceive what justice there is in imposing burdens upon our own citizens, because monarchical powers oppress their subjects. Experience proves, however, that the advocacy upon our part of liberal principles, has had a beneficial effect upon England.*

* "The most curious item of intelligence by this arrival is the unprecedented compliment paid by the House of Lords to Mr. Secretary Walker's Annual Treasury Report, recommending the repeal of our protective tariff, which was ordered by their Lordships to be printed for the use of the House. It is, indeed, not improbable that the free trade propositions of our Secretary accelerated, if they did not prompt, the kindred measure

If such a fortunate result has been produced by the liberal course of the United States, we surely have great inducement to persevere in our efforts, until we have placed our commercial regulation upon the best footing with the powers of the earth.

A remarkable versatility has characterized the course pursued by the friends of the restrictive system. They have not based their arguments upon immutable principles, which are as unchangeable as the eternal will. On the contrary, their arguments have changed with circumstances. One of the most distinguished champions of that policy is Mr. Hudson, for a long time a member of Congress from Massachusetts; his arguments abound in sophistry, although they bear the evidence of apparent frankness. A thorough master of the subject, he always exhibited great ability in its discussion, and the facility with which he seized upon the strong points which *circumstances* placed in his possession, rendered him a formidable opponent to the progress of liberal principles. There was one argument which possessed great plausibility, and when stated with great sincerity of manner, always produced an effect, and that was the impolicy of resorting to free trade, because other nations placed enormous duties upon the productions of our country.* But subsequently

in England of a total repeal of the corn laws."—*Editorial of the National Intelligencer, February* 21, 1846.

* "The Committee see nothing in the policy of other nations which would justify us in adopting the delusive theory of free trade. The new tariff of Great Britain, which has been hailed as the harbinger of a commercial millennium, is highly restrictive in its character." "Some articles which were formerly prohibited, she now admits, but on a duty so nearly

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to that time, the English Government removed altogether, or greatly reduced her duties upon American produce.* When the Government of England tendered to the United States such commercial ad-

prohibitory, that they cannot be imported except in extreme cases." "But what is the free trade that England tenders to us? On what terms does she receive our staples? Why, she imposes the following rate of duties upon our products:

	per cent.		*per cent.*
Salted beef	60	Sperm candles	33
Bacon	109	Tobacco manufactured	1200
Butter	70	Tobacco unmanufactured	1000
Indian corn, average	32	Salted pork	33
Flour, average	32	Soap	200
Rosin	76	Spirits from grain	500
Sperm oil	33	Spirits from molasses	1600

"On these fourteen articles she imposes an average of 355 per cent., a duty vastly greater than we impose upon any of her fabrics. It is idle therefore to pretend that she extends to us any thing like free trade." —*Report of Mr. Hudson made to Congress, 10th of April*, 1844.

* "*Alteration of duties on American Produce.*

"Our American readers will find that the British Ministry propose to make important reductions on many of the articles exported from America to England. We hope to see a similar spirit manifested by the Cabinet at Washington. The alterations comprise:

	Previous duty.	*Reduced to—*
Bacon	14s. per cwt.	Free.
Beef, fresh	8s. do.	Free.
Beef, salted	8s. do.	Free.
Hay	16s. per load	Free.
Hides	2s. per lb.	Free.
Meat	8s. per cwt.	Free.
Pork	8s. do.	Free.
Buckwheat		1s. per quarter.
Candles, tallow	10s. per cwt.	5s. per cwt.
Cheese	10s. 6s. per cwt.	5s. do.
Clocks	20 per cent.	10 per cent.
Hams,	14s. per cwt.	7s. per cwt.
Hops	90s. do.	45s. do.
Indian corn, heavy duty		1s. per quarter.
Rice		6s. per cwt. 1s. per qr.
Tallow		3s. to do. cwt. 1s. p. cwt.

National Intelligencer, February 21st, 1846. *Credited to Wilmer & Smith's European Times.*

vantages, it was indeed the harbinger of "a commercial millennium," especially when it was done under circumstances which precluded the idea of another resort to the restrictive policy. Mr. Hudson, who had so often complained of the oppressive duties imposed upon American productions, ought assuredly to express satisfaction at the liberal course pursued by the British Government. This was not the case, however. He immediately changed front, and instead of condemning the high tariff of Great Britain, as he had done in 1844, he actually attempted to convince the House of Representatives that the people of this country were *injured*, and not benefited by the free trade tariff of Great Britain.* There is but one instance of such remarkable versatility upon record.†

In 1842 Mr. Hudson made a powerful speech, for the purpose of showing the necessity of a high tariff to protect the operatives in this country against the pauper laborer of Europe. He drew a mournful picture of the sufferings in Ireland, for the purpose of illustrating the low wages which were paid for labor.‡ This would be regarded as a vision of an

* "I am aware that it will be said that most of the wheat which is sent into Canada finds its way into Great Britain.' I admit it, and shall endeavor to show hereafter, that in this indirect trade we now enjoy a sort of monopoly, by the operation of *the present corn-laws of Great Britain*, but of which we should be deprived by a repeal of those laws. This is, in fact, the point to which I wish to all attention—the great question for the committee and the country to consider."—*Speech of Mr. Hudson, House of Representatives, February* 26, 1846.

† "I went to her, Master Brook, as you see, like a poor old man: but I came from her, Master Brook, like a poor old woman."

‡ "With such facts before us, we can sympathize with a respectable weaver, who testified before the commissioner as follows:

excited imagination, if we should judge from a *fancy sketch* of the same gentleman of a later production.* Since the repeal of the corn laws affords the agriculturists of this country an opportunity of feeding those who were described as being so stricken with poverty in the speech of Mr. Hudson in 1842, he has changed his argument, and has now come to the

"'*Question.* Have you any children?'

"'*Answer.* No. I had, but they are both dead, thanks be to God.'

"'*Question.* Do you express satisfaction at the death of your children?'

"'*Answer.* I do. I thank God for it. I am relieved from the burden of maintaining them; and they, poor dear creatures, are relieved from the troubles of this mortal life.'

"Comments upon such evidence would be out of place. When poverty and wretchedness press so heavily upon parents that they rejoice at the death of their own children, their state must be painful indeed."—*Extracts from the speech of Mr. Hudson, of Massachusetts, July* 8, 1842.

* "Tooke, an experienced English writer, informs us that, from 1832 to 1838, the crops in Great Britain and Ireland were so abundant that wheat was fed out to cattle, sheep, and swine, and even used for distillation. This induced the farmer to sow less; and, for several succeeding years, the winters were unfavorable for the crops, and the season of harvest was unpropitious, so as to increase the demand for foreign grain. Every man acquainted with English agriculture knows that great improvements are constantly taking place in her mode of cultivation. Bogs and swamps are being reclaimed, barren hillsides are being converted into fruitful fields, and her waste places are being made to blossom like the rose. She has also adopted an improved mode of seeding. Until quite recently, the wheat growers were in the habit of sowing about three bushels of grain to the acre. But Drummond, a late English writer, says that, by the introduction of a new machine for sowing wheat, which distributes the grain equally over the whole surface of the ground, they have found that a less quantity of seed will answer equally well; and that this improvement alone will save to the United Kingdom five or six millions of bushels, and thus supply at least one-third of her deficiency. Under these circumstances, it is not probable that her demand for foreign grain will materially increase. Her own supply will increase with her demand. The means of the mass of her people are limited; and we cannot expect that, under any circumstances, she will take a quantity of foreign grain much, if any, larger than she does at present."—*Ibid.*

conclusion that there is no hope that the demand for our productions will be increased. The corn laws, which hung for so many years like an incubus upon the consumers of England, were established for the benefit of the land proprietors. The scale of duties upon breadstuffs was raised so high, that it produced not only extreme suffering, but often starvation. The great scarcity which resulted from this policy, enriched the landholder, while it inflicted dreadful sufferings upon the poor. A scarcity of food raised its price enormously, and the consequence was, that thousands of human beings existed, only, upon the smallest quantity possible, of the most indifferent provisions. For the relief of that portion of the community, societies were established for the purpose of producing a reform. The intellects of some of the ablest and most eloquent of the orators of England were devoted to its accomplishment. The struggle was long and fierce. The power and interests of the British nobility were arrayed against a starving community, and the struggle ended by a defeat of the lords, and the adoption of the principles of free trade.

By the reduction of the tariff, the agricultural products of other nations were admitted into England. The importer was enabled to purchase at lower prices, and could therefore sell a larger amount of food for a smaller sum of money than under the former prohibitory tariffs, and in this way the producers in the United States are enabled to find a foreign market for their surplus produce.

As an excuse for adhering to the protective poli-

cy, when hard pressed for arguments, the whig party insist that it had its origin with the establishment of our Government, and that the fathers of the Republic sanctioned it. It is well to examine this position, because we are inclined to pay respect to the acts and opinions of those who cemented our liberties with their blood. It is only necessary, to show the fallacy of the assertion that the earlier Presidents sanctioned high duties, to refer to the tariffs which were passed between the years 1789 and 1817.*

* *Tariff Act of July* 4, 1789.

On molasses, per gallon, 2½ cents; on malt, per bushel, 10 cents; on brown sugars, per pound, 1 cent; loaf sugars, per pound, 3 cents; all other sugars, per pound, 1½ cents; on coffee, per pound, 2½ cents; on boots, per pair, 50 cents; on all shoes and slippers made of leather, per pair, 7 cents; on all steel unwrought, for every 112 pounds, 56 cents; on all nails and spikes, per pound, 1 cent; on salt, per bushel, 6 cents; on coal, per bushel, 2 cents; on bohea tea, per pound, 6 cents; all hyson teas, per pound, 20 cents; on all writing, printing, or wrapping paper, paper-hangings, and pasteboard, 7½ per cent. ad valorem; on all buttons, saddles, batts of beaver, wool, or mixture of either, on millinery ready made, castings of iron, slit and rolled iron, and on clothing ready made, 7½ per cent. ad valorem.

Tariff Act of 1792.

Steel, per hundred weight, 100 cents; nails, per pound, 2 cents; shoes and slippers of silk, 20 cents; all other shoes and slippers for men and women, clogs and galoshes, 10 cents; on cables, for every 112 pounds, 180 cents; on tarred cordage, for every 112 pounds, 180 cents; looking-glass, window, and other glass, 15 per cent. ad valorem; cast, slit, and rolled iron, hats, caps, and bonnets, sail-cloth, cabinet wares, and generally all manufactures of iron, steel, tin, pewter, copper, brass, &c., not being otherwise particularly enumerated, 10 per cent. ad valorem.

Tariff Act of 1794.

On coffee, per pound, 1 cent; clayed or lump sugar, per pound, 1 cent; on boots, per pair, 25 cents; on shoes and slippers, for men and

An argument much used by the protectionists is based upon the fact, that manufactured goods have fallen in price within the last thirty years.

women, 5 cents; on coal, per bushel, ¼ cent; on slit, cast, and rolled iron, and, generally, on all manufactures of iron, steel, tin, pewter, copper, and brass, not otherwise enumerated, 5 per cent. ad valorem; on all manufactures of cotton or linen, or of muslins of cotton or linen, or of which cotton or linen is the material or chief fabric, being printed, stained, or colored, 5 per cent. ad valorem.

Tariff Act of March 3, 1797.

"An Act for raising a further sum of money by additional duties on certain articles imported, and for other purposes.

"That from and after the 30th day of June next, the following duties, in addition to those now in force and payable on the several articles hereinafter enumerated, shall be laid and levied and collected upon those articles respectively, at their importation into the United States from any foreign port or place.

"On all brown sugars, per pound, ¼ cent; on all bohea tea, per pound, 2 cents; on all molasses, per gallon, 1 cent; and on all velvets and velverets, whether stained, printed, colored, or otherwise, and upon all muslins, muslinets, and other cotton goods, not printed, stained, or colored, 2½ per cent. ad valorem."

There was also a section providing that after the 30th of June an additional duty of 10 per cent. should be levied on the aforesaid articles imported in foreign ships.

Tariff of March 26, 1804, (*during the Administration of Jefferson,*) *called the Mediterranean Fund.*

"An Act further to protect the commerce and seamen of the United States against the Barbary Powers.

"A duty of 2½ per centum ad valorem in addition to the duties now imposed by law, [aforesaid act of March 3d, 1797,] shall be laid, levied, and collected upon all goods, wares, and merchandise, paying a duty ad valorem, which shall, after the 30th day of June next, be imported into the United States from any foreign port or place."

The act provided an additional duty of 10 per cent. upon goods, wares, and merchandise, imported in vessels not of the United States.

The act further provided that a distinct account should be kept of the fund, and that the additional duty should cease as soon as the difficulties should be adjusted with the Barbary Powers.

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That assumption is correct, but the error they commit is in not attributing it to the right cause. They assert that it is the result of the protective system. It can hardly be assumed that our revenue laws have produced a reduction in the price of manufactured goods throughout the world. Prices have been reduced in England, as well as in this country. When alluding to the results which are to follow competition among our own manufacturers, they forget that there is a competion among foreigners for our market, which has had the effect of keeping down prices. Mechanical skill has made wonderful improvements in the machinery which has been substituted for hand labor, and the low price of the raw material, and of food, as forests melt away before the progress of civilization, and broad acres yield their harvests as the fruits of labor, are by no means unimportant causes for the fall in the price of manufactured goods, within the last quarter of a century. But the great question for the country to consider is the comparative price of manufactured

Tariff Act of 1816, *during Madison's Administration.*

On all articles manufactured from brass, copper, iron, steel, pewter, lead, or tin, cutlery, pins, needles, buttons, cannon, muskets, and firearms, 20 per cent. ad valorem; on woollen manufactures, of all descriptions, or of which wool is the material of chief value, (excepting blankets, woollen rugs, and worsted or stuff goods,) 25 per cent. ad valorem, until June, 1819, and after that day 20 per cent. ad valorem; on all cotton manufactures, of all descriptions, or of which cotton is the material of chief value, and on cotton twist, yarn, or thread, as follows: for three years next ensuing the 13th day of June, 1816, 25 per cent. ad valorem, and after that time 20 per cent. ad valorem; on iron, in bars and bolts, (excepting iron manufactured by rolling,) por hundred weight, 45 cents; on boots, per pair, 150 cents.

articles previous and subsequent to the passage of the act of 1842, and before and since the act of 1846 went into operation.*

* *Wholesale price of domestic goods on the first day of August, 1842, and 1844, taken from the sales-books of the selling agents, and copied into the New-York Morning News.*

TABLE I.

ARTICLES.	1842.	1844.
	cts.	*cts.*
Brown cotton flannels, Hamilton, per yard,	10½	11½
Glasgow jeans, per yard,	17	19
Sheep's gray casinets, per yard,	30	45
37-inch brown sheetings, In. Head, per yard,	7½	8½
37-inch brown sheetings, Oella B., per yard,	7	8
37-inch brown sheetings, Savage factory, per yard,	8	8
37-inch brown sheetings, Stark company, per yard,	7	8½
37-inch brown sheetings, Thistle factory, per yard,	6½	8
27-inch brown sheetings, Thistle factory, per yard,	5	6½
37-inch brown sheetings, Patuxent company, per yard,	7½	8½
44-inch Osnaburgs, grays, Patapsco factory, per yard,	10½	12
Penitentiary plaids and stripes, per yard,	10	11½
Salisbury company scarlet flannels, No. 12 to 26 inclusive, per yd,	18	25½
Merrimack blue prints, per yard,	11⅛	11½
Fall River blue prints, per yard,	10	10½
Maverick sattinets, per yard,	57½	75

I now give the price of iron in the New-York market on the 30th July, in each of the years of 1842 and 1845.

TABLE II.

ARTICLES.	1842.	1845.
Bar, Russia, P. S. I.,	$102 50 to $105 00	$102 50 to $105 00
Swedes,	80 00	85 00
American rolled,	65 00 to 70 00	85 00
Sheet iron (Rus.) per lb.	00 13½ to 00 14	0 13
Sheet iron (English and American) per lb.	00 05 to 00 05½	0 07 to 0 07½
Hoops (English and American) per cwt.	4 25 to 4 76	5 50 to 6 50

I now give the prices of sugar in the New-York market on the same day of the month, in the same years.

TABLE III.

ARTICLES.	1842.	1845.
St. Croix, per lb.	5¼ cts. to 8¼ cts.	6¾ cts. to 8 cts.
New Orleans, per lb.	3¼ to 4½	5 to 7½
Havana, white, per lb.	7½ to 9	10 to 10¾
Havana, brown, per lb.	4¾	7½ to 9

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If the price of manufactured goods increases under the operation of a protective tariff, surely the farmer should receive a compensation therefor in the

Lastly, I give the prices of certain other articles in the New-York market in the month of June of each of the years of 1843 and 1844, taken from the New-York Evening Post.

TABLE IV.

ARTICLES.	1843.	1844.
Dover prints, per yard,	$0 07¼	$0 11½
Merrimack prints, per yard,	0 11½	0 13½
Chickopee D. brown sheetings, per yard,	0 06½	0 08½
Amoskeag, brown, per yard,	0 06¾	0 08¾
Summer pantaloon stuffs, per yard,	0 12½	0 16
Boott-mill cotton, per yard,	0 08	0 10
Scarlet, white, and yellow flannels, per yard,	0 18	0 25
Scarlet, white, and yellow flannels, per yard,	0 20	0 27½
Scarlet, white, and yellow flannels, per yard,	0 27	0 35
Broadcloths, per yard,	2 00	2 50
Broadcloths, per yard,	2 37½	3 50

From the July No. of Hunt's Merchants' Magazine, 1844.

ARTICLES.	January, 1840.	January, 1841.	January, 1842.	January, 1843.	January, 1844.
Iron anvils, per lb.	$00 09½	$00 09½	$00 08½	$00 08½	$00 08½
Bars, common English rolled, per ton,	76 25	71 25	52 50	53 75	53 75
Bars, refined English rolled,	93 75	87 50	76 25	67 50	67 50
Bars, American refined,	90 00	85 00	77 50	65 00	67 50
Blooms, American,	60 00	52 50	50 00	47 50	52 50
Nails, wrought, per lb.	0 11½	0 11½	0 10½	0 09	0 09
Nails, cut, per lb.	0 05½	0 05½	0 05½	0 03¾	0 04¼
Pigs, per ton,	35 25	32 50	31 00	25 00	27 50
Scythes, per dozen,	13 00	12 50	12 50	9 00	9 00
Shovels, per dozen,	10 00	9 50	9 00	7 25	7 25

Now, if competition, under the tariff of 1842, is to bring down the price of the manufactured article, according to their *theory*, why not carry it out in *practice?*

Of the sixteen articles specified in table No. 1, fourteen have increased in price from 1842 to 1844; two remain at the same cost.

There are six articles contained in table No. 2; four have increased in price from 1842 to 1845; one has not varied, one has slightly fallen.

Of the four articles contained in table No. 3, every one rose in value from 1842 to 1845.

increased price of his agricultural products. This, however, is very far from being the case,* and while he is forced to pay more for the goods which he is

Eleven articles are specified in table No. 4; every one enhanced in price from June, 1843, to June, 1844.

* From Hunt's Merchants' Magazine, May No., 1845.

Prices of manufactured articles in the New-York Market at different periods.

ARTICLES.	1843.	1844.			
	October.	February.	April 30.	June 8.	Sept. 7.
Cordage, American, per 100 lbs.	$12 00	$12 00	$12 00	$12 00	$12 00
Cotton bagging, Ky., per 100 yds.	16 00	16 00	16 00	17 00	17 00
Lead, pig, per 100 lbs.	3 45	3 55	3 30	3 45	3 47
Molasses, N. O., per 100 gals.	27 00	32 00	30 00	31 00	32 00
Steel, per 100 lbs.	5 00	5 00	5 00	5 00	5 00
Sugar, N. O., per 100 lbs.	6 87	7 25	7 37	7 25	7 00

From Hunt's Merchants' Magazine, September 1849.

Prices of New Orleans Cotton in New-York for the year.

	Inferior.	Ordinary a good ord'nry.	Middling a good mid'ling	Middling fair a fair.	Fully fair a good fair.
September 2...	5 a 5¼	5⅜ a 6	6¼ a 6⅜	7 a 7⅛	7⅛ a 8⅛
" 13...	5 a 5⅛	5⅛ a 6	6⅛ a 6⅛	6⅞ a 7⅛	7⅛ a 8⅛
October 1...	5 a 5⅛	5⅛ a 6	6⅛ a 6⅜	5⅞ a 7⅛	7⅛ a 8⅛
" 14...	5 a 5⅛	5⅛ a 5⅞	6 a 6⅜	6⅛ a 7	7⅛ a 7⅞
November 1...	4⅛ a 5	5⅛ a 5⅜	5⅛ a 6⅛	6⅛ a 6⅜	7 a 7⅛
" 14...	4⅛ a 4⅛	5⅛ a 5⅛	5⅛ a 6	6⅛ a 6⅜	6⅞ a 7⅛
December 1...	.. a 5	5⅛ a 5⅜	5⅛ a 6⅜	6⅛ a 6⅜	7 a 7⅛
" 13...	5 a 5⅛	5⅜ a 5⅛	6 a 6⅜	6⅛ a 7	7⅛ a 8
January 1...	5⅛ a 5⅛	6 a 6⅜	6⅛ a 6⅜	7 a 7⅛	7⅞ a 8⅛
" 15...	.. a ..	6⅛ a 6⅛	6⅜ a 7	7⅜ a 7⅞	8 a 8⅛
February 1...	.. a ..	6⅜ a 6⅜	7 a 7⅜	7⅛ a 8	8⅛ a 8⅜
" 14...	.. a ..	6⅜ a 6⅜	7 a 7⅛	7⅛ a 8⅛	8⅛ a 9
March 1...	.. a ..	6⅛ a 6⅜	7 a 7⅜	7⅛ a 8⅛	8⅛ a 9
" 14...	.. a ..	6⅜ a 7	7⅛ a 7⅜	7⅛ a 8	8⅛ a 9
April 1...	.. a ..	6⅜ a 6⅜	7 a 7⅜	7⅛ a 8	8⅛ a 9
" 18...	.. a ..	6⅛ a 6⅛	6⅜ a 7⅛	7⅛ a 7⅛	8 a 8⅛
May 1...	.. a ..	6⅜ a 6⅜	6⅜ a 7⅛	7⅛ a 8	8⅛ a 8⅜
" 15...	.. a ..	6⅛ a 6⅜	7 a 7⅛	7⅜ a 8⅛	8⅛ a 9
June 1...	.. a ..	6⅜ a 7⅛	7⅜ a 7⅜	8 a 8⅛	9 a 9⅛
" 18...	.. a ..	6⅜ a 7	7⅜ a 7⅜	8 a 8⅛	9 a 9⅛
July 1...	.. a ..	7 a 7⅛	7⅜ a 8⅛	8⅛ a 8⅛	9⅛ a 10
" 15...	7 a 7⅛	7⅛ a 8⅛	8⅛ a 9	9⅛ a 10	... a ...
August 1...	7⅛ a 8	8⅜ a 8⅜	9⅛ a 9⅜	10 a 10⅛	10⅜ a ...
" 8...	8 a 8⅛	8⅜ a 9⅛	9⅛ a 10	10⅛ a 11	11 a ...

compelled to have, he is obliged to take less for the productions of his farm. Nor does an increased consumption appear to follow the passage of a pro-

From Hunt's Merchants' Magazine, May No. 1845.

Prices of United States produce in the New-York market, at different periods.

ARTICLES.	1843.	1844.			
	October.	Feb. 14.	April 20.	June 8.	Sept. 7.
Cotton, N. O., fair, p. 100. lbs.	$ 8 75	$10 75	$ 8 87	$ 8 25	$ 7 50
Flour, western, bbl.	4 50	4 95	5 06	4 56	4 25
Wheat, western, bush.	0 95	1 05	1 12	0 98	0 92
Rye, bush.	0 65	0 70	0 71	0 65	0 67
Corn, bush.	0 52	0 48	0 54	0 47	0 46
Beef, mess, per bbl.	6 75	6 25	6 50	6 50	5 75
Butter, per 100 lbs.	14 00	16 00	18 00	15 00	11 00
Cheese, per 100 lbs.	5 50	5 50	7 00	5 50	5 50
Tobacco, Kentucky,	6 50	6 50	6 50	6 00	6 00

From the New-York Journal of Commerce.

ARTICLES.	1840.	1844.
Beef, mess, per bbl.	$14 25	$5 25
Beef, prime, per bbl.	10 00	3 25
Pork, mess, per bbl.	15 00	8 50
Butter, prime, per lb.	0 17	0 10
Hams, smoked, per lb.	0 10½	0 05
Flour, per bbl., Genesee,	4 75	4 50
Flour, per bbl., Ohio,	4 43	4 37½
Corn meal, per bbl.	2 87½	2 00
Wheat, per bush.	1 00	0 96
Corn, northern, per bush.	0 56	0 50
Corn, southern, per bush.	0 52	0 47

From Hunt's Merchants' Magazine for November, 1845.

Prices of Cotton at Mobile, in the month of October, in the following years.

Years.	Price per lb.
1836	16 to 20 cents.
1842	7½ to 8½ cents.
1844	6 to 8 cents.
1845	5½ to 6½ cents.

tective tariff.* If the subject of the cotton manufactures is one of surpassing interest to the growers of cotton and grain,† their interests have certainly not been increased by the passage of the tariff of 1842.

The protection of the American laborer against the paupers of Europe, is a subject of anxious care

From Hunt's Merchants' Magazine, April No., 1846.

Prices of Cotton in Liverpool in 1844 *and* 1845.

	1844.	1845.
	cts.	cts.
Upland, ordinary to middling,	4½ to 5	3⅝ to 3¾
Fair to good fair,	5⅛ to 5¼	4¼ to 4⅜
Good to fine,	5⅜ to 5½	4½ to 5
New Orleans, ordinary to middling,	4¼ to 5¼	3⅝ to 4⅛
Fair to good fair,	5⅜ to 5½	4⅜ to 4½
Good,	5½ to 6	5 to 5¼
Choice marks,	6¼ to 7	5¼ to 7
Alabama, ordinary to middling,	4½ to 4¾	3 to 3½
Fair to good fair,	5 to 5½	3½ to 4¼
Mobile, ordinary to middling,	4½ to 5⅛	3 to 4
Fair to good fair,	5⅛ to 5½	4⅜ to 4½
Good to fine,	5⅜ to 6	4¾ to 5¼

Fallen in every instance, notwithstanding the tariff of 1842.

ARTICLES.	1842.	1843.	1845.
Cords of wood per annum,	3,580	3,090	3,270
Pounds of cotton consumed,	28,764,000	22,568,000	24,128,000
Tons anthracite coal per annum,	11,410	12,300	12,500
Gallons of oil per annum,	78,689	80,189	67,842
Consumption of starch, pounds per annum,	800,000	800,000	800,000
Consumption of flour for starch in mills, print works, and bleaching, barrels per annum,	4,000	4,000	4,000
Consumption of charcoal, bushels per ann.	600,000	600,000	600,00

* Statistics of Lowell manufactures, compiled from authentic sources by the manufacturers themselves, January 1842, '43, '45.

† "The subject of the cotton manufactures is one of surpassing interest to the grower of cotton, the grower of grain, and the manufacturer himself."—*National Intelligencer, May 25th*, 1846.

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with those who favor the protective policy. Scarcely is a speech delivered, or an editorial written, but this matter is referred to, always coupled with the assertion, that a high tariff enables the manufacturers to give increased wages to the operatives; and with more than ordinary complacency have they dwelt upon this branch of the subject. The Whig party have made much political capital out of this argument, without being sustained by facts.* I

* It will appear by an examination of the statistics made out in January, 1842, that the amount of wages paid a month, was—

In January, 1842	$170,000
In January, 1843	150,000
In January, 1845	138,500
Less in 1843 than in 1842	20,000
Less in 1845 than in 1842	31,500

This is saving quite a liberal sum, especially when we take into consideration the language of Mr. Hudson, that the laborer "must share with his employer the profits of the business *by the increased rate of his wages.*" To that operation, so interesting to the laborer, I come now to remark upon. The average wages of females, clear of board, per week, was—

In 1842	$2 00
In 1843	1 75
In 1845	1 75

Average wages of males, clear of board, per day, was—

In 1842	80 cents.
In 1843	70 cents.
In 1845	70 cents.

Here is an illustration, I suppose, of the doctrine of Mr. Hudson, that the laborer "must share with his employer in the profits of the business *by the increased rate of his wages.*" It was bad enough to *lower* the wages of the men 10 cents per day; but it was truly ungallant for the lords of the spindle, who are making princely fortunes out of the labor of the females, to strike down *their* wages from $2 to $1 75 per week. I call

have taken the statistics furnished by the manufacturers at Lowell for the purpose of illustrating the absurdity of the argument which has obtained so

particular attention to these facts, because it has been denied that the wages of the females have been reduced since the passage of the tariff of 1842.

But let us see if, while the wages of the females are falling off instead of increasing, *they perform less labor.*

In 1842 the total number of females employed at Lowell was	7,430
In 1843	6,375
More in 1842 than in 1843	1,055
Number of yards manufactured in 1842 . . .	73,853,400
Number of yards manufactured in 1843 . . .	70,275,400
More in 1842 than in 1843	3,578,000

Although there were 1055 more females in 1842 than in 1843, yet they manufactured only 3,578,000 yards more.

In 1842 there were 1110 more female operatives than in 1845, yet they manufactured 2,019,800 yards more in 1845 than they did in 1842.

There were 55 more female operatives in 1843 than in 1845, yet they manufactured 5,597,800 yards more in 1845 than in 1843.

The following extract from a letter to the Hon. Mr. Clemens, of Alabama, from Clementine Averill, published in the New York Tribune, of March 19, 1850, shows that under *low* duties the wages of the operatives have again increased.

Letter from a Factory Girl to Senator Clemens.

LOWELL, Mass., Wednesday, March 6, 1850.

MR. CLEMENS—Sir: In some of the late papers I have read several questions which you have asked concerning the New England operatives. They have been well answered, perhaps, but enough has not yet been said; and I deem it proper that the operatives should answer for themselves. First, you wish to know what pay we have? I will speak only for the girls, and think I am stating very low, when I say that we average $2 a week, beside our board.

Hundreds of girls in these mills clear from $3 to $6 a week; but some who have not been here long, and are not much used to the work, do not

much favor with the whig party. It should not be forgotten that Lowell, "the Manchester of America," is the largest manufacturing city in the United States, and therefore no objection can be made to the facts which are adduced, and the deductions which necessarily follow.

In every aspect in which the policy of free trade, as illustrated by the tariff of 1846, can be viewed, it commends itself to the favorable consideration of the American people. It is incontestably true that trade between nations, to be extensive, must be beneficial to both. A fair exchange of the productions of one for the other, can alone produce that result. A determination upon the part of one Government to obtain specie in exchange for its productions, will result in diminished resources, and a crippled commerce. Since the establishment of liberal commercial relations between the United States and Great Britain, the trade between the two countries has immeasurably increased. While the subjects of the English Government are enabled to purchase a larger quantity of food, the citizens of our own country can obtain for a certain sum of money a greater amount of merchandise.*

make quite $2. If my wages are ever reduced lower than that I shall seek employment elsewhere.

* "The British Empire took from us (not during the year of famine, as it is called, of 1847, but in 1848) our domestic exports, including cotton, rice, tobacco, breadstuffs, and provisions, exclusive of specie, to the value of $78,741,416, and Great Britain and Ireland, of the value of $64,222,268."—*Report of the Secretary of the Treasury, December 9, 1848.*

"It appears that for the year ending June 30, 1848, (not a famine, but for abundant crops in Europe,) our exports of breadstuffs and provi-

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The tariff of 1846 was passed during the existence of a foreign war, when all the resources of the country were required for its vigorous prosecution. And yet it fully met the expectations and requirements of the Government. While the financial convulsions in England in 1847, almost destroyed the public credit in that country, the bonds of the United States were sold at a premium. Not only was this measure of reform equal to the emergencies created by the war with Mexico, but is now advancing the agricultural, commercial, and manufacturing prosperity of the American confederacy. If an exemplification of the advantages resulting from freedom of trade were necessary, it can be witnessed in the interchange of the productions of labor by the several States. If the result of our domestic policy largely contributes to the happiness of our citizens —if it improves their social condition, and developes the arts and sciences, why not establish a similar system with the rest of mankind?

The attempts which had been made by the democratic party to effect a separation of the Government from banks, proved successful during the administration of Mr. Polk. In his first message to Congress, he urged upon the attention of that body with great force, that measure of reform.* As an

sions amounted to the sum of $37,472,751, being largely more than double the average annual export during the tariff of 1842."—*Ibid.*

* "Entertaining the opinion that the separation of the moneys of the Government from banking institutions is indispensable for the safety of the funds of the Government and the rights of the people, I recommend to Congress that provision be made by law for such separation, and that a constitutional treasury be created for the safe keeping of the public money. The con-

indication that the democratic party were determined to make a successful attempt to establish a treasury, contemplated by the Constitution, Mr. Dromgoole, of Virginia, introduced a bill for that purpose on the 19th of December, 1845. It passed that body on the 2d of April, 1846, by a vote of 122 to 66.* It passed the Senate, with amendments, on the 1st of August, by a vote of 28 to 25, which received the sanction of the House on the 5th of that month, and the bill was approved the following day by the President.

By the provisions of the Act which had thus become the law of the land, the mint at Philadelphia,

stitutional treasury recommended is designed as a secure depository for the public money, without any power to make loans or discounts, or to issue any paper whatever as a currency or circulation. I cannot doubt that such a treasury as was contemplated by the Constitution, should be independent of all banking corporations. The money of the people should be kept in the treasury of the people created by law, and be in the custody of agents of the people chosen by themselves, according to the forms of the Constitution; agents who are directly responsible to the Government, who are under adequate bonds and oaths, and who are subject to severe punishments for any embezzlement, private use, or misapplication of the public funds, and for any failure in other respects to perform their duties. To say that the people or their Government are incompetent, or not to be trusted with the custody of their own money, in their own treasury, provided by themselves, but must rely on the presidents, cashiers, and stockholders of banking corporations, not appointed by them, nor responsible to them, would be to concede that they are incompetent for self-government.

"In recommending the establishment of a constitutional treasury, in which the public money shall be kept, I desire that adequate provision be made by law for its safety, and that all Executive discretion or control over it shall be removed, except such as may be necessary in directing its disbursement, in pursuance of appropriations made by law."—*Message of Mr. Polk to Congress, December*, 1845. *Congressional Globe, 1st session 29th Congress*, p. 10.

† Congressional Globe, 1st session 29th Congress, p. 595.

and the branches of that establishment in the different portions of the Union, were appointed places for depositing the revenue of the United States. The custom-houses in the cities of New-York and Boston, were selected for the same purpose, and all moneys paid into them were subject to the draft of the Treasurer, drawn agreeably to appropriations made by law. The Treasurer and his assistants, and all other persons having the custody of the public money, are required to give bonds for its safe keeping, in large sums; and if any one of them shall convert to his own use, in any way whatever, or shall use, by way of investment in any kind of property or merchandise, or shall loan with or without interest, or shall deposit in any bank, or shall exchange for other funds, except as allowed by the Act, any portion of the public moneys intrusted to him for safe keeping, disbursement, transfer, or for any other purpose, he shall be deemed and adjudged guilty of embezzlement. Such an offence is declared to be a felony, and the punishment therefor is imprisonment for a term not less than six months, nor more than ten years, and a fine equal to the amount of the money embezzled.* Any failure to pay over or to produce the moneys intrusted to public officers, is held and taken to be *prima facie* evidence of embezzlement.

By a careful examination of this law, it will be seen that every effort was employed to insure the safe-keeping and disbursement of the revenue, and no man can be guilty of peculation without being liable to severe punishment.†

* See Laws of the United States, published by Little & Brown.

† "But what was the evil which this act was intended to remedy?

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It was evidently the intention of the framers of the Constitution, that the revenues of the country should be collected by, and kept under the control of officers, appointed by and immediately under the

Had not the revenue been well collected, safely kept, safely and easily transferred, and promptly and readily disbursed? Had there been any complaint against the system now in operation? Was it not an excellent system, as far as safety, convenience, public accommodation, and private accommodation were concerned? He thought that if any person having any connection with the administration of the revenue were asked, they would say that it worked perfectly well. What were the great evils to be remedied? Could any body point them out? And was this a time for making experimental changes? Would it not be better to postpone such experiments until a time of peace? The Senator from South Carolina [Mr. Calhoun,] yesterday insisted that it was desirable to mitigate the embarrassments which must necessarily be felt in the removal of large amounts of specie from one place to another, and in doing so the Senator had given the very strongest reason against this bill. It would be difficult to adduce a more forcible argument against the bill than the honorable Senator had used in advocating the amendment. One thing which struck him very forcibly was the incongruity, the inconsistency of the legislation which they were pursuing. Two or three days ago they had passed an act repealing the tariff of 1842, and substituting a new principle; and the argument in favor of the bill was, that it would increase the importation of foreign productions, and thereby increase the revenue. But when a bill like the present, for the establishment of the sub-treasury system, was before Congress in 1840, the argument—the great and principal argument—then urged by the friends of the measure was, that it would restrict and limit the amount of imports; that it would arrest the excessive introduction of foreign merchandise; and that it would check and prevent the evil of an overflowing treasury. The sub-treasury was then vindicated because it would repress and keep down importation. Two or three days ago a bill was passed to increase importations; to-day a bill was to be passed to check and keep down importation. The two measures must come into conflict; they could not be reconciled. If the only effect of this bill would be to check excessive importations, he would have no objection to it, but it extended beyond this; it would also check and keep down all the business operations of the country. For the very same reason that it would restrict imports and cut down commerce, it would cut down every thing else. They were embarrassing their prospects and means of revenue at a time when it became necessary for the Govern-

control of the Government.* Language could not be more definite than that employed in framing the Constitution. Every word was carefully examined,

ment to use its credit, and to borrow money to carry on its operations."—*Speech of Mr. Evans, in the Senate, July 31st, 1846. Congressional Globe, 1st session 29th Congress*, p. 1172.

"Confining my remarks altogether to the character of this bill, considered as an administration measure, I proceed, on the other hand, to consider what will be the disadvantages to the Government from its becoming a law. I go on the supposition that the bill is to be executed, not evaded; and I say that, if the specie payments which it enjoins are required *bona fide*, it will operate as a great embarrassment to the Government, should it be brought into circumstances when it would be necessary to negotiate a loan. There is authority for a loan now, and the Government has its option between such a measure and the issue of treasury notes. But if this law shall be carried out, no loan will be possible. And why not? Because the law will demand that eight or ten millions of dollars in hard specie shall be withdrawn from all the purposes of society, some four or five millions of it being locked up in Government chests and vaults, and some four or five millions more being constantly in transition, as the expenses of the Government may require. Then, if the Government wants a loan, how is it to be got? The practical mode at present pursued is this: some large banking-house takes, for example, two millions of the Government loan. But this man cannot advance the cash till he finds banks who are willing to take the United States stock, and advance him a temporary loan upon it, until, to use the business phrase, he shall be able to 'place the money;' that is, shall be able to find persons who will take the stock with a view to hold it and receive interest upon it. This is the mode now pursued; but what will be the condition of the banks who may be asked by him to advance money upon stock after this bill shall have become a law? How can they possibly do it? The sum they agree to advance must be paid in gold and silver, taken at the instant out of their own vaults, and carried across the street to be locked up in the vaults of some Government depository. If the bullion remained with the banks, and a credit on their books was all that was required, then they

* "No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."—*Constitution of the United States*, art. 1, sec. 9.

that it might correctly define the meaning of the convention. The idea could not be more explicitly given than in the declaration, that a treasury shall be established, and no money drawn therefrom, but in consequence of appropriations made by law. How then can it be asserted that money placed in the treasury, can be used in any way until it is taken therefrom by being appropriated to the public service? That this was the intention of the framers of the Constitution, is evident from the passage of the law of 1789, establishing the treasury department.* After providing in section 4 that the mo-

might do it; but the specie is instantly called for, and is so much deducted from the basis of their circulation. Their customers will not agree to it; their directors will not agree to it; their stockholders will not agree to it. I say, therefore, if this law is not evaded, but is obeyed *bona fide*, any contraction of a Government loan must be out of the question. I put that fact to any man acquainted with business, and ask if he can gainsay it?" —*Speech of Mr. Webster in the Senate, August 1st, 1846. Congressional Globe, 1st session 29th Congress*, p. 1174.

"Mr. Crittenden said that this sub-treasury scheme was an old acquaintance in the Senate. The principle, that the Government must take care of itself, and leave the people to take care of themselves, had been announced a good while ago, and that was precisely the principle of this bill. The maxim, in political economy, had been laid down by the President, who first introduced this notable plan. He said that the people were in the habit of expecting too much from the Government; that it was the duty of the Government to take care of itself, and that the people must take care of themselves. This maxim had introduced the old sub-treasury bill, and after a severe struggle that bill became a law. And what was the consequence? The people, feeling its practical effect, adopted a mode of taking care of themselves, which was the most effectual that could have been devised. They turned out the whole administration from the President downward."—*Speech of Mr. Crittenden in the Senate, August 1st, 1846. Congressional Globe, 1st session 29th Congress*, p. 1176.

* "SEC. 4. *And be it further enacted*, That it shall be the duty of the Treasurer to receive and keep the moneys of the United States, and to

ney should be received and kept in the treasury, and defining the mode in which it should be paid out, they enacted in section 8 that no person appointed to office under that bill should, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or purchase or dispose of any public securities of any State or of the United States, &c.

Although by the provisions of that bill, the public money of the United States was placed under the control of government officers, still the proper guards were not employed to prevent its use, or to punish the offender who might be guilty of defalcation.

disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by the Comptroller, recorded by the Register, and not otherwise; he shall take receipts for all moneys paid by him, and all receipts for moneys received by him shall be endorsed upon warrants signed by the Secretary of the Treasury, without which warrant, so signed, no acknowledgment for money received into the public treasury shall be valid."

"SEC. 8. *And be it further enacted*, That no person appointed to any office instituted by this act, shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands, or other public property, or be concerned in the purchase or disposal of any public securities of any State or of the United States, or take or apply to his own use, any emolument or gain for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if any person shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of three thousand dollars, and shall upon conviction be removed from office, and forever thereafter incapable of holding any office under the United States. *Provided*, That if any other person than a public prosecutor shall give information of any such offence, upon which a prosecution and conviction shall be had, one half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information." Approved, September 2, 1789.—*Laws of the United States, by Little & Brown*, vol. 1, p. 67.

The statesmen who drew up the Constitution of the United States, and whose character for patriotism and talents procured its adoption by the people, so far from contemplating the employment of banks, as depositories, on the collection of the revenue in paper money, clearly and explicitly proclaimed their opposition to such a course. During the long struggle which resulted in the separation of the Government from banks, the whig party often achieved political triumphs by using the argument that the democracy advocated one kind of currency for Government, and another for the people. With those who did not understand the sophistry upon which such an argument is based, it had great influence, and often induced large masses to rally under the banner of the whig party. The establishment of a law which enforces the collection of the public dues in gold and silver, employs the agency of the only constitutional currency. If the people have established banks, which gives them only the representative of money, and consequently that which is inferior, it surely is not the fault of the General Government. The Constitution of the United States confers upon Congress the power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures. Coupling the power to coin money, and to regulate its value, with the authority to fix the standard of weights and measures, incontestably proves that both were to be uniform throughout the Union. The only money power given to Congress by that instrument, is to coin it and regulate the value thereof, and of

foreign coin, and the failure to enumerate more extensive authority, is just as absolute a prohibition as though it had been expressly stated. But we are not left to conjecture upon so important a subject. In a draft of a constitution submitted by Mr. Rutledge as a report from the committee of detail, there was a clause authorizing Congress to emit bills of credit.* When that was under discussion, the objection was distinctly taken, that by striking out the clause, it would effectually bar the door against paper money, and that it would have a most salutary influence on the credit of the United States, to remove the possibility of a resort to that species of currency. The clause was rejected by a vote of nine States against two.†

* See Madison Papers, containing Debates in the Convention which framed the Constitution, 378.

† "Mr. Gouverneur Morris moved to strike out, 'and emit bills on the credit of the United States.' If the United States had credit, such bills would be unnecessary; if they had not, unjust and useless.

"Mr. Butler seconds the motion.

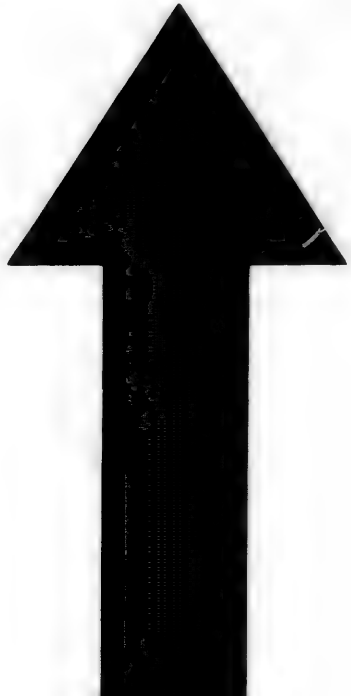
"Mr. Madison. Will it not be sufficient to prohibit the making them a *tender?* This will remove the temptation to emit them with unjust views; and promissory notes, in that shape, may in some emergencies be best.

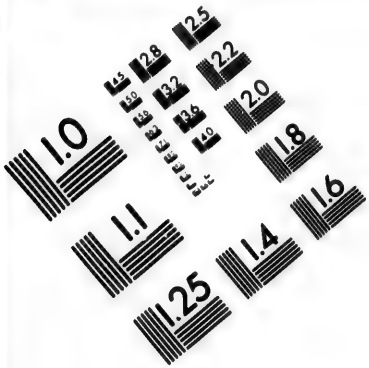
"Mr. Gouverneur Morris. Striking out the words will leave room still for notes of a *responsible* minister, which will do all the good without the mischief. The moneyed interest will oppose the plan of Government if paper emissions be not prohibited.

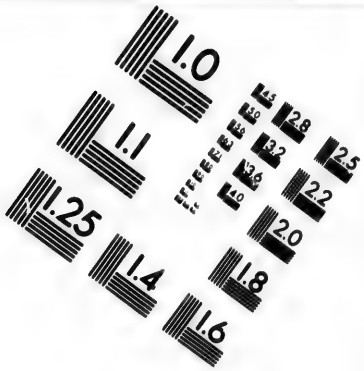
"Mr. Gorham was for striking out without inserting any prohibition. If the words stand, they may suggest and lead to the measure.

"Mr. Mason had doubts on the subject. Congress, he thought, would not have the power, unless it were expressed. Though he had a mortal hatred to paper money, yet, as he could not foresee all emergencies, he was unwilling to tie the hands of the legislator. He observed that the late war could not have been carried on, had such a prohibition existed.

"Mr. Gorham. The power, as far as it will be necessary or safe, is involved in that of borrowing.







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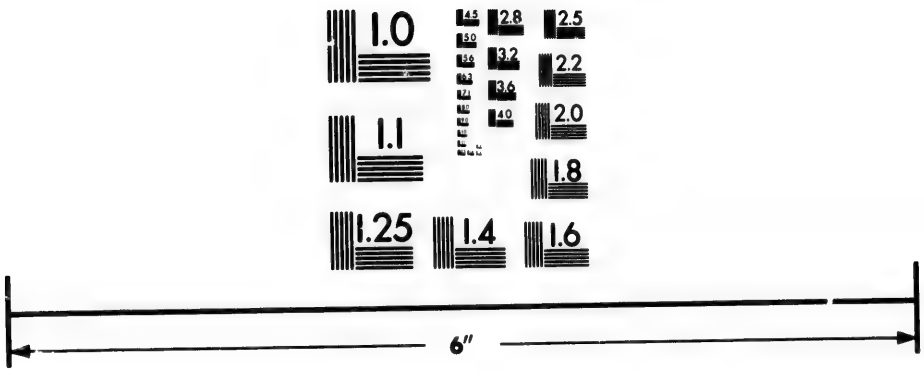

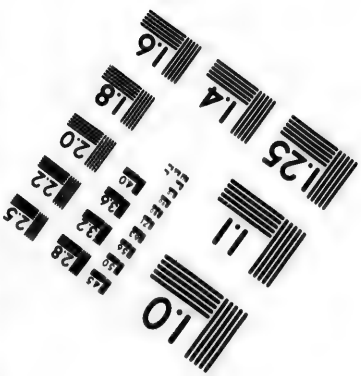

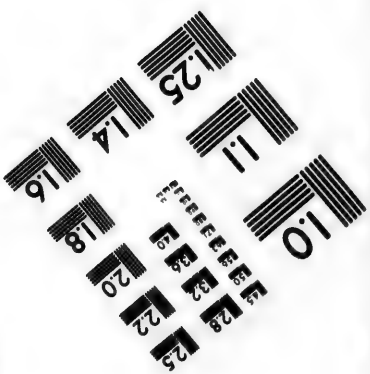

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When the Convention so decidedly and clearly defined the power of Congress upon this question, what justice is there in the complaint that the

"Mr. Mercer was a friend to paper money, though in the present state and temper of America, he should neither propose nor approve of such a measure. He was consequently opposed to a prohibition of it altogether. It will stamp suspicion on the Government, to deny it a discretion on this point. It was impolitic, also, to excite the opposition of all those who were friends to paper money. The people of property would be sure to be on the side of the plan, and it was impolitic to purchase their further attachment with the loss of the opposite class of citizens.

"Mr. Ellsworth thought this a favorable moment to shut and bar the door against paper money. The mischiefs of the various experiments which had been made were now fresh in the public mind, and had excited the disgust of all the respectable part of America. By withholding the power from the new Government, more friends of influence would be gained to it than by almost any thing else. Paper money can in no case be necessary. Give the Government credit, and other resources will offer. The power may do harm, never good.

"Mr. Randolph, notwithstanding his antipathy to paper money, could not agree to strike out the words, as he could not foresee all the occasions that might arise.

"Mr. Wilson. It will have a most salutary influence on the credit of the United States, to remove the possibility of paper money. This expedient can never succeed whilst is mischiefs are remembered; and as long as it can be resorted to, it will be a bar to other resources.

"Mr. Butler remarked, that paper was a legal tender in no country in Europe. He was urgent for disarming the Government of such a power.

"Mr. Mason was still averse to tying the hands of the Legislature *altogether*. If there was no example in Europe, as just remarked, it might be observed, on the other side, that there was none in which the Government was restrained on this head.

"Mr. Reed thought the words, if not struck out, would be as alarming as the mark of the beast in Revelation.

"Mr. Langdon had rather reject the whole plan, than retain the three words, 'and emit bills.'

"On the motion for striking out,—

"New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia—ay, 9; New Jersey, Maryland—no, 2."—*Ibid.* 435.

constitutional treasury creates one kind of currency for the people, and another for the Government?

The men of the Revolution understood that the Constitution had confined the power of Congress to the coining of money, and regulating the value thereof, and of foreign coin, and did not desire the agency of paper money to be employed by the Government. The Act of July 31st, 1789, declared that duties should be received in gold and silver coin only.*

When the language of the Constitution upon this point was so explicit, and the second Act which was passed imposing duties upon foreign imports after the adoption of that instrument conformed so strictly to its provisions, how did the General Government glide off at once into a paper money currency? This question can easily be answered. Alexander Hamilton was selected by General Washington to preside over the Treasury Department. Although his patriotism was undoubted, and his hatred of tyranny had been exemplified upon many a bloody field, still he had not that confidence in the capacity of the people for self-government, which was entertained by his great rival, Mr. Jefferson. Although his mind possessed a comprehensiveness which enabled him to master the details of a question with great facility, still his appointment by General Washington as a member of his Cabinet,

* "The duties and fees to be collected by virtue of this Act, shall be received in gold and silver coin only."—*Act of July 31st, 1789, section 30, vol. 1, of Little & Brown's United States Statutes at large, p. 45.*

has ever been regarded as peculiarly unfortunate by the advocates of a strict construction of the Constitution. The first President of the United States had almost unbounded confidence in the opinions of General Hamilton, and was induced, through his influence, to yield his approbation to many questions of doubtful policy.

Mr. Hamilton was the sole representative of the State of New-York in the Convention which framed the Constitution, and would undoubtedly have caused that instrument to grant more enlarged powers to the General Government, if it had not been for the sound republicanism of James Wilson, of Pennsylvania, and Mr. Madison. To the former gentleman, more than to any other member of that body, are we indebted for the admirable checks and balances which characterize that celebrated compact. The impress of his sound, enlightened, and truly republican mind, can be found in every line.

When the vote was taken to strike out the words "and emit bills of credit" from the draft of the Constitution which had been submitted for the consideration of the Convention, the result was conclusive, nine States voting in the affirmative, and two only in the negative.*

The vote of New-York was not cast by Mr. Hamilton, but it can be easily conceived, if we may form an opinion from the policy which he subsequently advocated, that the vote of New-York, if given at all, would have been in the negative. The errors which he committed as a statesman were, by

* See Madison Papers, revised by Jonathan Elliot, p. 435.

inculcating the doctrine that the masses should be controlled by political machines, and when that could not be done by conforming to the plain requirements of the Constitution, in resorting to a latitudinarian construction of that instrument, to accomplish his views. As an illustration of this statement, it is only necessary to examine his construction of the Act of July 31st, 1789.* The language of that bill was positive, and provided that the duties should be received in gold and silver coin only,†

* This section (the 30th of the Act of 1789) provides for the receipt of the duties in gold and silver coin only. The Secretary has considered this provision as having for its object, the exclusion of payments in the paper emissions of the particular States, and the securing the immediate or ultimate collection of the duties in specie, as intended to prohibit to individuals the right of paying in any thing except gold and silver coin; but not to hinder the Treasury from making such arrangements as its exigencies, the speedy command of the public resources, and the convenience of the community might dictate; these arrangements being compatible with the eventual receipt of the duties in specie. For instance, the Secretary did not imagine that the provision ought to be so understood as to prevent, if necessary, an anticipation of the duties by treasury drafts receivable at the several custom-houses. And, if it ought not to be understood in this sense, it appeared to him that the principle of a different construction would extend to the permitting the receipt of the notes of public banks, issued on a specie fund. * * * * * * Such were the reflections of the Secretary with regard to the authority to permit bank notes to be taken in payment of the duties. The expediency of doing it appeared to him to be still less questionable. The extension of their circulation by the measure is calculated to increase both the ability and the inclination of the banks to aid the Government. It also accelerates the command of the product of the revenues for the public service, and it facilitates the payment of the duties," &c.—*Report of Mr. Hamilton to Congress.*

† "SEC. 30. And be it further enacted, That the duties and fines to be collected by virtue of this act, shall be received in gold and silver coin only, at the following rates, that is to say, the gold coins of France, England, Spain and Portugal, and all other gold coin of equal fineness, at eighty-nine cents for every pennyweight. The Mexican dollar at one hundred cents; the crown of France at one dollar and eleven cents; the

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and proceeded to regulate the value of foreign coin which might be paid into the treasury for the public dues. It was not within the scope of the English language to make the clause more definite, and yet Mr. Hamilton construed it to mean the exclusion of the paper emissions of particular States, but as not preventing him from anticipating the duties by treasury drafts, receivable at the several custom-houses. If that course was justifiable, he argued that the principle would authorize the receipt of the notes of public banks, issued on a specie fund. The history of our country does not furnish an instance of a bolder violation of a law of the land, than the course pursued by Mr. Hamilton. The Congress to whom the report was made numbered but a few republican members, and the federalists received it without a word of dissent. It was the same Congress that chartered the first bank of the United States, and those persons who could establish an institution of that kind, with English stockholders to plunder the people by making use of the credit and revenues of the country, would not be likely to censure the loose construction placed upon a law, by one whom they held in such high estimation as Alexander Hamilton. The fatal precedent was established from which have flowed the most disastrous consequences.

More that fifty years elapsed, and still the Government was not separated from banking institu-

crown of England at one dollar and *eleven cents*; and all silver coins of equal fineness at one dollar and *eleven cents* per ounce."—*Act of* 1789, *Little and Brown*, vol. 1, p. 45.

tions, and that which had excited the disgust of all under the articles of confederation, had, in 1836, acquired a power and influence which overcome all opposition. In 1836, Mr. Benton introduced a bill into the Senate to re-establish the currency for the Federal Government, and although its provisions did not go to the extent of the constitutional treasury bill, which was enacted ten years after, still the only supporter it had in that body was its author. To save his feelings from being wounded by a regular vote upon it, Mr. Buchanan urged him to consent to have it laid upon the table. Mr. Wright, another friend, made the motion, and although a disposition was manifested to reject the bill by a decisive vote, they, nevertheless, suffered it to go quietly to the table.*

It is a subject of painful interest to contemplate the years of gloom and disaster, which followed the surrender of the funds of the Government to paper institutions. The Bank of the United States, with its power to control legislation, and to produce financial ruin and embarrassment, took the lead. Its example was followed, in a more humble way, by the institutions created in the several States. To create a vacuum to be supplied by their own notes, specie was exported from the country. A premium was obtained by this operation which resulted in a more extensive circulation of its representative. Members of Congress, who should have re-established the only constitutional currency, were

* Speech of Mr. Benton, January 16th, 1840. Appendix to the Congressional Globe, 1st session 26th Congress, p. 117.

in many instances indebted to the bank, and they obeyed more obsequiously the behests of that institution than the will of their constituents. The control which chartered monopolies had obtained over the destinies of the country was truly alarming, and their power was exercised with a reckless and unscrupulous disregard of the public weal. A vast amount of paper money was issued, carrying with it an extension of credit, which elevated all kinds of property to an unnatural price, followed by contractions which carried distress into every part of the country. Suits were instituted against the debtor, property was sacrificed, and the capitalist would purchase it at reduced rates. Another expansion of the currency would enable them to sell what they had purchased, and the people would hail, as a blessing graciously bestowed by the banks, that which had the effect of plundering them of the fruits of honest industry. The first bank completed its career, and when the inflexible integrity and iron will of General Jackson enabled him to make a successful stand against the second monster, its friends and supporters raised a political excitement which has seldom had its parallel in the history of our country. It was not to be supposed that those who had rioted upon the misfortunes of others would yield their privileges without a struggle, and the fierceness which signalized that memorable struggle, illustrated the power which was possessed by the capital of the country. The friends of reform triumphed, and a bank of the United States has become an "obsolete idea."

The capital which had been invested in that institution was transferred to State banks. Those persons who had for so long a period the custody and use of the public money, were not disposed to yield the benefits which resulted from it, and the divorce of bank and State was resisted with the same obstinacy as ever. The friends of reform numbered in their ranks men who had the ability and the inflexibility of purpose requisite to maintain their views. To Mr. Benton the country is under lasting obligations for the stand which he assumed upon this question, when, "solitary and alone," he withstood the power of wealth and corruption, and amidst gloom and defeat, steadily adhered to the principles of the constitution. The representatives who were elected by the people to sustain him in the struggle, found their principles melting away before the influences which the banks employed in the contest. The evil was hard to eradicate. The influences of paper money had become fastened like a cancer upon the body politic, and a removal threatened its destruction. The crash among the banks, in the spring of 1837, carried terror and dismay into the ranks of the democratic party. Men who had hitherto proved inflexible, surrendered their positions, and many of those who adhered steadfastly to their principles, were carried down the stream which threatened to undermine the very pillars of the constitution. Slowly the country emerged from the storm which swept over it. The Independent Treasury bill, which was passed on the 4th of July, 1840, was destined, how-

ever, to a brief existence. The odium with which the whig party managed to surround it, produced its repeal during the extra session of Congress, in 1841. The admirable manner with which its provisions met the expectations of its friends, during the thirteen months it had been in operation, insured a continuance of their support. Defeat only had the effect of arousing the whole democratic party to renewed exertions, and for five years the struggle was continued with unabated energy, and terminated gloriously in the establishment of the constitutional treasury in 1846.

Independent of the objections which may be urged, that the constitution confers upon Congress no authority to place the funds of the Government under the control of corporations, there is a manifest injustice in allowing banks to trade upon that money. It establishes favoritism, and gives people in one section of the country privileges over those less fortunate. Non-interference between individuals is the palpable duty of Government. The specie deposited with one bank by the United States, serves as a basis for the circulation of paper, and constitutes that institution a "pet" of the Government. This produces an evident violation of the sacred principle of equality, which is the groundwork of the constitution. Whatever temporary benefits may accrue to individuals, or the nation, from such a course, it is no excuse for a violation of principle. The Government and the people had both suffered greatly from the system which was originated by Mr. Hamilton, the leader of the fed-

eral party.* The country has passed through painful experience, which shook society, and came near destroying the glorious fabric erected by the wisdom and patriotism of our fathers. The morning which broke upon this long night of darkness and gloom, is a glorious opening to the future. And a recurrence to the evils from which we have escaped, would indicate positive political blindness, which can derive no improvement from the terrible ordeal from which our country has escaped.

Connected with the revenue of the United States, it was deemed proper by the administration to propose a warehousing system, and it was forcibly recommended by Mr. Walker in his first report to Congress.† A bill was introduced into the Se-

* "From a report made on the 11th of February, 1841, from the Secretary of the Treasury, it appeared that the losses which the Government has at various times suffered from connection with banks, were estimated to amount to the enormous sum of $15,492,000. A report made to the House of Representatives, April 30th, 1830, believed to have been by Mr. McDuffie, estimates the aggregate losses from the receipt of bank paper, which occurred prior to 1817, at $34,000,000. And in the report of the Secretary of the Treasury, to which he has just alluded, the total loss from 1789, to the *people*, (the other was in relation to the Government itself,) from the existence of banks and the use of bank paper, is estimated at $365,457,497."—*Speech of Mr. Dromgoole, April 2d, 1846. Congressional Globe, 1st session 29th Congress*, p. 592.

Mr. Walker in his report to Congress, December 3d, 1845, states that the United States Mint had had in its custody more than $114,000,000 of dollars without the Government sustaining any loss.

The Government was equally fortunate while the independent treasury bill, passed in 1840, was in operation, and it remains to be seen whether any losses will be sustained under the constitutional treasury bill now enforced.

† "If the cash duties are retained, as it is believed they should be, the only sure method of restoring this trade is the adoption of the warehousing system, by which the foreign imports may be kept in store by the Gov-

nate for that purpose by Mr. Dix, on the 21st of January, 1846. It passed Congress during that session, and received the approval of the President, 6th of August, 1846. The act provided that on and after that day, the duties on all imported goods, wares, or merchandise should be paid in cash. That goods upon which the duties were not paid should be taken possession of by the Collector, and deposited in public stores at the risk of the owner, and subject at all times to his order, upon the payment of the proper duties and expenses. In case the goods should remain in the storehouse more than one year without the payment of the duties, then they are to be appraised, and sold by the Collector at public auction. Within one year after the goods are deposited in the public storehouse, they may be withdrawn and transported to any other port of entry.

Previous to the passage of that act, the warehouse system was in existence, although the laws which regulated it were not so simple and well defined as the bill of 1846. Indeed, the principle was established as early as 1799, and was enlarged or contracted at various periods since the adoption of the Constitution, for the benefit of the commercial interest. The effect of the bill is to give an extension of credit to the importer, who would otherwise be required to pay the duties upon his

ernment, until they are required for re-exportation abroad, or consumption at home—in which latter contingency, and at the time when for that purpose they are taken out of these stores for consumption, the duties are paid, and, if re-exported, they pay no duty, but only the expense of storage.—*Report of Mr. Walker to Congress, December*, 1845.

merchandise as soon as it was landed. No possible danger of loss to the Government can be apprehended, because the goods are retained in the possession of the Collector, until the duties or charges thereon are paid. The difficulty which the merchant would sometimes encounter in being forced to sell a portion of his wares to discharge the duties, is obviated. The only effect is to give him time for the payment of Government dues. This can be done without loss to the United States, and with great benefit to the importer. How far the bill will meet the expectations of its advocates is yet to be seen. It is stated that the amount of charges received at the port of New-York, is less than the sum expended by Government upon them. This is a reason why the act should be amended instead of being repealed. It is easy to increase the charges which are exacted for storing goods in the warehouse, until the amount received is equal to the sum disbursed. The country is very much indebted to Mr. Dix, the able Senator from New-York, for the passage of that law.

The Mexican war considerably increased the national debt, though not so much as was often predicted. The amount of the public debt remaining unpaid on the 1st of October, 1845, was seventeen million seventy-five thousand four hundred and forty-five dollars and fifty-two cents.* The balance in the treasury on the 1st of July, 1845, was seven million six hundred and forty-eight thousand three hundred and six dollars and twenty-two cents.†

* Message of Mr. Polk to Congress, December, 1845. † *Ibid.*

On the 22d of July, 1846, the President approved an act authorizing him to issue treasury notes to the amount of ten millions of dollars, or to borrow that sum on the credit of the United States, at interest not exceeding six per cent.* On the twenty-eighth of January, 1847, the President was authorized by law to cause treasury notes to be issued to the amount of twenty-three millions of dollars. The notes were to be reimbursed and redeemed by the United States at the expiration of one year, or two years from the dates of the said notes respectively. They were transferable by delivery and assignment endorsed upon them, and were received in payment of all duties due the United States. The holders of these treasury notes, by presenting them at the Treasury of the United States, would receive the amount in certificate of funded stock, bearing interest at six per cent. per annum. A discretionary power was granted to borrow on the credit of the United States, and to issue stock to the amount of twenty-three millions of dollars. On the 31st of March, 1848, authority was granted to the Executive to borrow within one year thereafter on the credit of the United States, a sum not exceeding sixteen millions of dollars, and to issue stock of the United States as security for its payment.†

The receipts into the treasury during the fiscal year ending on the 30th of June, 1845, were twenty-nine million seven hundred and sixty-nine thou-

* Public laws of the United States, collated by Little & Brown.

† *Ibid.*

sand one hundred and thirty-three dollars and fifty-six cents; of which there were derived from customs twenty-seven million five hundred and twenty-eight thousand one hundred and twelve dollars and seventy cents. The expenditures during that period were twenty-nine million nine hundred and sixty-eight thousand two hundred and six dollars and ninety-eight cents.*

The amount of money received into the treasury for the year ending June 30th, 1846, was twenty-nine million four hundred and ninety-nine thousand two hundred and forty-seven dollars and six cents, of which there was derived from the customs twenty-six million seven hundred and twelve thousand six hundred and sixty-seven dollars and eighty-seven cents. Expenditures for the same period were twenty-eight million thirty-one thousand one hundred and fourteen dollars and twenty cents; the balance in the treasury on the 1st day of July, 1846, was nine million one hundred and twenty-six thousand four hundred and thirty-nine dollars and eight cents. The amount of the public debt, including treasury notes, on the 1st of December, 1846, was twenty-four million two hundred and fifty-six thousand four hundred and ninety-four dollars and sixty cents; of which the sum of seventeen million seven hundred and eighty-eight thousand seven hundred and ninety-nine dollars and sixty-two cents was outstanding on the 4th of March, 1845, leaving the amount incurred from that time to December 1846, six million four hundred and sixty-seven thousand

* First annual message of Mr. Polk to Congress.

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six hundred and ninety-four dollars and ninety-eight cents.* For the purpose of increasing the revenue, the Executive recommended the war tax upon tea and coffee, and also upon the principal articles that were at that time upon the free list. He also urged the graduation and reduction of the price of the public lands, as a means of increasing the revenue.†

The receipts into the treasury for the fiscal year ending the 30th of June 1847, amounted to twenty-six million three hundred and forty-six thousand seven hundred and ninety dollars and thirty-seven cents; of which there was derived from customs twenty-three million seven hundred and forty-seven thousand eight hundred and sixty-four dollars and sixty-six cents. The expenditure during the same period was fifty-nine million four hundred and forty-one thousand one hundred and seventy-seven dollars and sixty-five cents, of which three million five hundred and twenty-two thousand and eighty-two dollars and thirty-seven cents was on account of payment of the principal and interest on public debt, including treasury notes redeemed and unfunded. On the 1st of December, 1847, the amount of the public debt, including treasury notes, was forty-five million six hundred and fifty-nine thousand six hundred and fifty-nine dollars and forty cents. The debt due on the 4th of March, 1845, when Mr. Polk entered upon the duties of his office, was, including treasury notes, seventeen million seven hundred and eighty-eight thousand seven hundred and ninety-

* Message of Mr. Polk to Congress, December, 1846.

† *Ibid.*

nine dollars and sixty-two cents, and the addition made to that sum from that period to December 7th, 1847, was twenty-seven million eight hundred and seventy thousand eight hundred and fifty-nine dollars and seventy-eight cents.*

The receipts into the treasury during the fiscal year ending June 30th, 1848, amounted to thirty-five million four hundred and thirty-six thousand seven hundred and fifty dollars and fifty-nine cents. Of this sum there was obtained in duties upon imports thirty-one million seven hundred and fifty-seven thousand and seventy dollars and ninety-six cents. The expenditures during the same time, including those for the war, and exclusive of payments of principal and interest for the public debt, were forty-two million eight hundred and eleven thousand nine hundred and seventy dollars and three cents.†

It is extraordinary that the credit of the Government during the war with Mexico was remarkably high. This is the more surprising from the fact, that the bonds of the Government during the preceding administration, and in time of peace, were hawked about in the markets of Europe without success. A loan of twenty-three million was authorized by the act of the 28th of January, 1847. Of that sum five million were paid to satisfy the claims of public creditors, or exchanged for specie at par. Eighteen million were offered for specie to the highest bidder, and were awarded at premiums varying from one-eighth of one per cent. to two per

* Message of Mr. Polk to Congress, December, 1847.

† Message of Mr. Polk to Congress, December, 1848.

cent. above par. This was indeed not only a very extraordinary, but an unexpected result. At the time it occurred, there was no prospect of an immediate termination of the war with Mexico. On the 10th of April, 1847, when it was awarded to the highest bidders, Vera Cruz and the castle of San Juan d'Ulloa had surrendered to our victorious arms. But the enemy manifested an obstinate determination to resist the progress of the invaders, and subsequently to that period, the road to Mexico was rendered memorable by many a sanguinary battle-field. Under these circumstances, that the money should have been obtained by the Government at a premium, presented a novelty to the financial world.

The amount of duties collected under the operation of the free-trade tariff, was as gratifying to its friends as unexpected to its opponents. The commerce of the United States, instead of being embarrassed by the Mexican war, seemed to be carried on with more energy and spirit than ever, and poured into the coffers of the General Government large accessions of revenue.* The tariff of 1842 would

* The whole net revenue from duties during the entire period of four years and three months of the operation of the tariff of 1842, (per table D,) was $101,554,653 12, being an annual average of $23,895,208 32. The net revenue received from the tariff of 1846 during its entire operation from the 1st of December, 1846, to the 30th of September, 1848, was (per table E,) $56,654,563 79, or an average of $30.902,489 28 per annum, being an average of $7,007,280 96 more per annum under the tariff of 1846, than was received under the tariff of 1842. The net revenue for the first fiscal year under the tariff of 1846 (per table A) was $31,757,070 96, being $757,070 96 more than the estimate of this department; and this amount would go on augmenting every year under this act, with a favorable state of foreign commerce and industry, in a ratio at least as great as the increase of our population."—*Report of the Secretary of the Treasury, December* 9, 1848.

have proved totally inadequate to supply the amount of revenue which was yielded by the act of 1846, and if the former bill had continued in operation, the loans required by Government would have been greatly increased. Probably the accumulation of revenue which resulted from the free trade policy enabled the Government to obtain premiums, while a falling off of the customs would have forced the United States to sell their bonds at a discount.

The public debt of the United States was stated by Mr. Meredith in his report to Congress, December, 1849, to amount to sixty-four million seven hundred and four thousand six hundred and ninety-three dollars and seventy-one cents. In the same report he asserts, that the old funded debt—the five per cent. loan of March 3d, 1843, the six per cent. loan of the 15th of April, 1842, and the debt of the district of Columbia, assumed by Congress, amounted to fifteen million seven hundred and forty-nine thousand six hundred and fifty-two dollars and forty-eight cents. This sum taken from the national debt would leave the amount of loans which was necessary to defray the expenses of the war to forty-eight million nine hundred and fifty-five thousand eleven dollars and twenty-three cents, making the interest of the whole war debt less than three million.

The administration of Mr. Polk made arrangements to meet all the demands upon the Government growing out of the war with Mexico, and for liquidating the instalments due under the treaty of

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peace, for the fiscal years, ending on the 30th of June, 1849 and 1850.*

In order to diminish the amount of loans necessary to prosecute the war, Mr. Polk, in his message to Congress, December, 1846, in general terms recommended the levying of duties upon articles, which, by the tariff of 1846, were placed upon the free list.† This proposition created much excitement in Congress, in the ranks of both political parties. Democratic members who were ultra in their views upon the propriety of taxing tea and coffee, were unmeasured in their denunciations of the Executive. The views which he entertained before his elevation to the presidential chair, were freely com-

* "This statement shows a balance in the Treasury, on the 30th of June, 1849, of $2,853,694 84; and a balance in the Treasury on the 30th of June, 1850, of $5,040,542 11. In the estimated expenditures for the year ending on the 30th of June, 1850, are included balances of appropriations, amounting to the sum of $3,762,537 29, a considerable portion of which may not be required. Unless new and extraordinary expenditures are authorized by Congress, no further loans will be required, and the public debt may be reduced.—*Report of Mr. Walker, Secretary of the Treasury, December* 9, 1848.

† "If, however, Congress should, at the present session, impose a revenue duty on the principal articles now embraced in the free list, it is estimated that an additional annual revenue of about two million and a half, amounting, it is estimated, on the thirtieth of June, 1848, to four million of dollars, would be derived from that source; and the loan required would be reduced by that amount."—*Message of the President to Congress, December* 8, 1846.

"It is submitted for your consideration, whether it may not be proper, as a war measure, to impose revenue duties on some of the articles now embraced in the free list. Should it be deemed proper to impose such duties, with a view to raise revenue to meet the expenses of the war with Mexico, or to avoid to that extent the creation of a public debt, they may be repealed when the emergency which gave rise to them shall cease to exist, and constitute no part of the permanent policy of the country.—*Ibid.*

mented upon. It was asserted that he had opposed in his canvasses for the gubernatorial chair of Tennessee, a tax upon tea and coffee. It is but justice to Mr. Polk to say, that he only advocated the collection of duties upon those articles as a war measure, to be repealed when a treaty of peace was concluded. The motives which governed him were truly patriotic, and had for their object the preservation of the public credit, by keeping the stocks of the United States at par value. Unawed by the denunciations which were levelled at him by members of all political parties, he reiterated his recommendation for a tax upon the free list, in a more specific form. In a special message to Congress on the 13th of February, 1847, he briefly, but in language of great force and power, examined the condition of our finances, and recommended the raising of customs from tea and coffee.* Against the mea-

* "In my Annual Message of the 8th of December last, I submitted for the consideration of Congress, the propriety of imposing as a war measure, revenue duties on some of the articles now embraced in the free list. The principal articles now exempt from duty, from which any considerable revenue can be derived, are tea and coffee. A moderate revenue duty on these articles, it is estimated, would produce annually an amount exceeding two and a half millions of dollars. Though in a period of peace, when ample means could be derived from duties on other articles for the support of the Government, it may have been deemed proper not to resort to a duty on these articles, yet when the country is engaged in a foreign war, and all our resources are demanded to meet the unavoidable increased expenditure in maintaining our armies in the field, no sound reason is perceived why we should not avail ourselves of the revenues which may be derived from this source. The objections which have heretofore existed to the imposition of these duties, were applicable to a state of peace, when they were not needed. We are now, however, engaged in a foreign war. We need money to prosecute it, and to maintain the public honor and credit. It cannot be doubted that the patriotic people of the United States

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sure, however, was arrayed a large majority of the House of Representatives.* The opposition members of Congress opposed the recommendation of the President, and there were only forty-eight of his own party in the House who sustained his views. It is difficult to see any propriety in the opposition which was made to levying a war tax upon tea and coffee. That the people of the United States would submit to any tax which might be necessary to sustain the national honor, there can be no doubt. Indeed, this was unanimously voted by the House, with great gravity.† If this question was divested of the sophistry with which politicians have invested it, it would be extremely difficult to see why a duty should not be raised from tea and coffee in time of peace. It is asserted that these articles have now become necessaries of life, still it cannot be maintained that they are indispensable. There are other importations upon which a tariff of twenty and thirty per cent. are levied, which are absolutely necessaries of life. It is almost as impossible for the people of this country to dispense with

would cheerfully, and without complaint, submit to the payment of this additional duty, or any other that may be necessary to maintain the honor of the country, provide for the unavoidable expenses of the Government, and to uphold the public credit. It is recommended that any duties which may be imposed on these articles, be limited in their duration to the period of the war."—*Message of Mr. Polk to Congress, February* 13, 1847.

* "*Resolved*, That it is inexpedient to levy any duty on tea and coffee."

This resolution passed by a vote of 115 to 48."—*Congressional Globe, 2d session 29th Congress*, p. 102.

† "*Resolved*, That the people of the United States are too patriotic to refuse any necessary tax in time of war."

This resolution was *unanimously* adopted.—*Ibid.* p. 103.

the use of iron and salt, as to exist without water. Why then should these necessaries be taxed, and tea and coffee be placed upon the free list? It is easily conceived that the protectionists are in favor of this policy, because the exemption of articles which are not raised or manufactured in this country from taxation, will create the necessity for higher duties upon merchandise which comes in competition with their own manufactures. But that those persons who advocate the doctrine of free trade, should desire to place tea and coffee upon the free list, and produce thereby the necessity for more exorbitant taxes upon articles of still greater importance to the people, is equally surprising and preposterous.

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CHAPTER XI.

Internal Improvements.—Contest between Congress and the Executive upon that question.—Discussions upon the power granted Congress to authorize the States to lay duties upon tonnage in the Constitutional Convention.—Public lands.—Pre-emption rights.—Lands granted to several States.—Land granted to soldiers.—Post-Office Department.—Rates of postage.—Foreign mails.—Lines established to Chagres and California.—The Navy.

THE administration of Mr. Polk was signalized by the struggle between the friends of internal improvements, and the Executive. A large majority in both Houses of Congress, numbering members of both political parties, were favorable to a lavish expenditure of the public treasury for such purposes. The struggle was commenced during the first session of the 29th Congress, and was continued with unabated energy throughout. On the 31st of December, 1845, a bill was introduced into the House of Representatives by Mr. Tibbatts, for the improvement of harbors and rivers, and passed that body on the 20th of March, by a vote of 109 to 90. It passed the Senate precisely as it was reported to that body on the 24th of July, 1846, by a vote of 34 to 16.* The bill encountered an Executive veto. The message which the President transmitted to the House of Representatives, assigning the reasons why he could not approve the

* Congressional Globe, 1st session 29th Congress, p. 1136.

bill, is charactized by remarkable vigor and power.* The authority of the General Government to make internal improvements within the States, was tho-

* "The Constitution has not, in my judgment, conferred upon the Federal Government the power to construct works of internal improvement within the States, or to appropriate money from the treasury for that purpose. That this bill assumes for the Federal Government the right to exercise this power, cannot, I think, be doubted. The approved course of the Government, and the deliberately expressed judgment of the people, have denied the existence of such a power under the Constitution. Several of my predecessors have denied its existence in the most solemn forms."

"The general proposition that the Federal Government does not possess this power is so well settled, and has for a considerable period been so generally acquiesced in, that it is not deemed necessary to reiterate the arguments by which it is sustained. Nor do I deem it necessary, after the full and elaborate discussions which have taken place before the country on this subject, to do more than state the general considerations which have satisfied me of the unconstitutionality and inexpediency of the exercise of such a power."

"That the power in question is not properly an incident to any of the granted powers, I am fully satisfied; but if there were doubts on this subject, experience has demonstrated the wisdom of the rule that all the functionaries of the Federal Government should abstain from the exercise of all questionable or doubtful powers. If an enlargement of the powers of the Federal Government should be deemed proper, it is safer and wiser to appeal to the States and the people in the mode prescribed by the Constitution for the grant desired, than to assume its exercise without an amendment of the Constitution. If Congress does not possess the general power to construct works of internal improvement within the States, or to appropriate money from the treasury for that purpose, what is there to exempt some, at least, of the objects of appropriation included in this bill from the operation of the general rule? This bill assumes the existence of the power, and in some of its provisions asserts the principle that Congress may exercise it as fully as though the appropriations which it proposes were applicable to the construction of roads and canals. If there be a distinction in principle, it is not perceived, and should be clearly defined. Some of the objects of appropriation contained in this bill are local in their character, and lie within the limits of a single State; and though, in the language of the bill, they are called *harbors*, they are not connected with foreign commerce, nor are they places of refuge or shelter for our navy or commercial marine on the ocean or lake shores. To call

roughly examined, and the corruptions of the system, which expended money in particular sections,

the mouth of a creek, or a shallow inlet on our coasts a harbor, cannot confer the authority to expend the public money in its improvement. Congress have exercised the power coeval with the Constitution, of establishing light-houses, beacons, buoys, and piers, on our ocean and lake shores, for the purpose of rendering navigation safe and easy, and of affording protection and shelter for our navy and other shipping. These are safeguards placed in existing channels of navigation. After the long acquiescence of the Government through all preceding administrations, I am not disposed to question or disturb the authority to make appropriations for such purposes."

"When we advance a step beyond this point, and in addition to the establishment and support, by appropriations from the treasury, of light-houses, beacons, buoys, piers, and other improvements within the bays, inlets and harbors on our ocean and lake coasts, immediately connected with our foreign commerce, and attempt to make improvements in the interior at points unconnected with foreign commerce, and where they are not needed for the protection and security of our navy and commercial marine, the difficulty arises in drawing a line beyond which appropriations may not be made by the Federal Government."

"It not only leads to a consolidation of power in the Federal Government, at the expense of the rightful authority of the States, but its inevitable tendency is, to embrace objects for the expenditure of the public money, which are local in their character, benefiting but few at the expense of the common treasury of the whole. It will engender sectional feelings and prejudices, calculated to disturb the harmony of the Union. It will destroy the harmony which should prevail in our legislative councils. It will produce combinations of local and sectional interest, strong enough when united, to carry propositions for appropriations of public money which could not of themselves, and standing alone, succeed, and cannot fail to lead to wasteful and extravagant expenditures."

"It must produce a disreputable scramble for the public money, by the conflict which is inseparable from such a system, between local and individual interests, and the general interest of the whole. It is unjust to those States which have with their own means constructed their own internal improvements, to make from the common treasury appropriations for similar improvements in other States."

"In its operation it will be oppressive and unjust towards those States whose representatives and people either deny or doubt the existence of the power, or think its exercise inexpedient, and who, while they equally con-

leaving other parts of the Union without receiving the aid of the Government, was alluded to.*

tribute to the treasury, cannot, consistently with their opinions, engage in the general competition for a share of the public money. Thus a large portion of the Union in numbers and in geographical extent, contributing its equal proportion of taxes to the support of the Government, would, under the operation of such a system, be compelled to see the national treasure—the common stock of all—unequally disbursed, and often improvidently wasted for the advantage of small sections, instead of being applied to the great national purposes in which all have a common interest, and for which alone the power to collect the revenue was given. Should the system of internal improvements proposed prevail, all these evils will multiply and increase with the increase of the number of the States, and the extension of the geographical limits of the settled portions of our country. With the increase of our numbers and the extension of our settlements, the local objects demanding appropriations of the public money for their improvement will be proportionately increased. In each case the expenditure of the public money would confer benefits, direct or indirect, only on a section, while these sections would become daily less in comparison with the whole."

"The wisdom of the framers of the Constitution in withholding power over such objects from the Federal Government, and leaving them to the local governments of the States, becomes more and more manifest with every year's experience of the operations of our system."

"If no constitutional objections existed to the bill, there are others of a serious nature which deserve some consideration. It appropriates between one and two millions of dollars for objects which are of no pressing necessity; and this is proposed at a time when the country is engaged in a foreign war, and when Congress, at its present session, has authorized a loan, or the issue of treasury notes, to defray the expenses of the war, to be resorted to if the 'exigencies of the Government shall require it.' It would seem to be the dictate of wisdom, under such circumstances, to husband our means, and not to waste them on comparatively unimportant objects, so that we may reduce the loan or issue of treasury notes, which may become necessary, to the smallest practicable sum. It would seem to be wise, too, to abstain from such expenditures, with a view to avoid the accumulation of a large public debt; the existence of which would be opposed to the interest of our people, as well as to to the genius of our free institutions."—*Veto Message of Mr. Polk, August 3d*, 1846.

* Any one at all acquainted with the management which is resorted to in Congress, for the purpose of passing internal improvement bills, can

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Unawed by the Executive veto, the House of Representatives, on the 20th of February, 1847, passed a bill making appropriations to the amount

at once appreciate the arguments of the Executive. To obtain appropriations of money to be expended in a congressional district, is generally a very popular movement upon the part of a Member of Congress. His influence and usefulness are judged by the amount of money which he can procure from the public treasury, to be expended among his constituents. He consequently employs all his energy in having a clause for that purpose inserted in the appropriation bill. Those who have no scruples upon the subject, ascertain the number of votes which are necessary to carry a bill triumphantly through Congress. The votes of some members are counted upon as a matter of course, because they are in favor of the doctrine of internal improvements by the General Government. While others, who favor the protective policy, gladly avail themselves of every opportunity that offers to appropriate public money, for the purpose of creating a necessity of increasing the tariff, to supply the deficit. If these two classes do not combine a sufficient number to insure success, the support of others is secured by making appropriations of money to be expended within their Congressional districts. The requisite number thus become interested, and the bill passes. This is a state of political profligacy, deplorable, indeed, and the contemplation of which is truly painful. While the bill which received the Executive veto was under consideration in the House of Representatives, an appropriation was made of $5,000 for the removal of the obstructions at the Crook, in the harbor of Providence. Five members from a southern State voted for the appropriation.* An amendment was then offered to the bill, appropriating $100,000 for the canal round the muscle shoals in the Tennessee river, those five members voting in the affirmative. The proposition was rejected, and one of them moved to reconsider the amendment which had been adopted making the appropriation of $5,000 for the harbor at Providence, and voted with the other four for its reconsideration,† and they all finally voted against the passage of the bill.‡ Two of these gentlemen were committed to the doctrine of internal improvements by the General Government; two advocated the propriety of improving the Mississippi, Ohio and Tennessee rivers, and all would have voted for the passage of the bill, if the appropriation of $100,000 to the Tennessee river had been inserted. It cannot be doubted that if the appropriation which was asked for the Tennessee

* Congressional Globe, 1st session 29th Congress, p. 524.
† *Ibid.* p. 525. ‡ *Ibid.* p. 530.

of $600,000, for river and harbor improvements, by a vote of 89 to 72. This bill passed the Senate on the last day of the second session of the 29th Congress. The President did not avail himself of his constitutional privilege to defeat the measure by refusing to approve it, because it was passed within ten days of the termination of the session. Undismayed by the denunciations with which the politicians fiercely assailed him, and by the abuse which teemed from the press, he again boldly met the question, and defeated the bill by the exercise of the veto power.* In that message, which probably displayed greater stretch of thought, and more thorough investigation, than any other state paper which he ever prepared,

river had been necessary to insure the passage of the bill, it would have been granted without the least hesitation. The friends of the bill had sufficient strength, however, to insure its success, and the sum of $100,000 was not unnecessarily thrown away. Such are the fruits of a system of legislation which, unless arrested, will produce an unscrupulous scramble for the public money, resulting in exorbitant taxation, and financial embarrassment and ruin. What makes the policy still more dangerous and reprehensible, is the readiness with which members yield to the current, and give utterance to the sentiment that while others are helping their constituents so bountifully, they will put their hands also into the treasury. The clamor which is raised in the halls of Congress for a system of internal improvements is as mortifying as it is deplorable. It places sovereign States in the position of mendicants, claiming the bounty of the General Government. The demand for more money is made with as much assurance as though to yield it is the plain and undeniable duty of Congress. Immense sums are called for with as much *sang froid* as if the revenue *rained* into the treasury, instead of being exacted from the people. No circumstances will prevent Congress from making these appropriations. The bill which was vetoed by the Executive, proposed an appropriation of $1,378,450 to objects of no pressing necessity, at a time when the Government was contracting loans for the prosecution of the Mexican war.—*Author.*

* Veto message of Mr. Polk, December 15th, 1847.

he examined at length the origin and progress of the doctrine of internal improvements. He commented upon the rapid strides which were made during the twenty years preceding, in favor of that system.*

To show that the States are not without a remedy, so far as the improvements of rivers and harbors are concerned, it is only necessary to examine the powers which the Constitution authorizes Congress to confer upon the States.† When the draft of the Constitution was under consideration in the Convention, it was proposed by M. Madison, that the clause restraining the States from laying duties upon imports should be transferred from the article authorizing Congress to sanction the act, to another which made the prohibition absolute. This motion was rejected, and Congress can now authorize the States to lay imposts or duties upon imports or exports, with the condition, however, that the net proceeds shall be paid into the treasury of the United

* "The policy of embarking the Federal Government in a general system of internal improvements had its origin but little more than twenty years ago. In a very few years the applications to Congress for appropriations in furtherance of such objects exceeded $200,000,000."—*Veto Message of Mr. Polk, December 15th*, 1847.

† "No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."—*Constitution of the United States.*

States.* But the power granted to Congress to permit the States to lay duties of tonnage is subject to no such restriction, and they may lay duties of tonnage, with the consent of Congress, for the purpose of improving harbors and rivers. This power has been exercised at various periods since the year 1790.†

* Mr. Madison moved, that the words "nor lay imposts or duties on imports" be transferred from Article 13, where the consent of the general legislature may license the act, into Article 12, which will make the prohibition on the States absolute.

Mr. Sherman "thought the power might safely be left to the legislature of the United States." The motion was rejected.

Mr. King moved to insert after the words "imports," the words "or exports," "so as to prohibit States from taxing either." This motion passed in the affirmative.

Mr. Sherman moved to add, after the word "exports," the words, "nor with such consent, but for the use of the United States;" so as to carry the proceeds of all State duties on imports or exports into the common treasury. This motion was agreed to—*Madison Papers containing Debates of the Convention*, pp. 485–7.

† Under this wise system, the improvement of harbors and rivers was commenced, or rather continued, from the organization of the Government under the present Constitution. Many acts were passed by the several States levying duties of tonnage, and many were passed by Congress giving their consent to those acts. Such acts have been passed by Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and have been sanctioned by the consent of Congress. Without enumerating them all, it may be instructive to refer to some of them, as illustrative of the mode of improving harbors and rivers in the early periods of our Government, as to the constitutionality of which there can be no doubt.

In January, 1790, the State of Rhode Island passed a law levying tonnage duty on vessels arriving in the port of Providence, "for the purpose of clearing and deepening the channel of the Providence river, and making the same more navigable."

On the 2d of February, 1798, the State of Massachusetts passed a law levying tonnage duty on all vessels, whether employed in the foreign or coasting trade, which might enter into the Kennebunk river, for the improvement of the same, by "rendering the passage in and out of said river less difficult and dangerous."

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The power of Congress to make appropriations for river and harbor improvements, is far from being a settled question. The precedents are too conflict-

On the 1st of April, 1805, the State of Pennsylvania passed a law levying a tonnage duty on vessels, "to remove the obstructions to the navigation of the river Delaware, below the city of Philadelphia."

On the 23d of January, 1804, the State of Virginia passed a law levying a tonnage duty on vessels, "for improving the navigation of James river."

On the 22d of February, 1826, the State of Virginia passed a law levying a tonnage duty on vessels, for "improving the navigation of James river, from Warwick to Rockett's Landing."

On the 8th of December, 1824, the State of Virginia passed a law levying a tonnage duty on vessels, for "improving the navigation of Appomatox river, from Pocahontas bridge to Broadway."

In November, 1821, the State of North Carolina passed a law levying a tonnage duty on vessels, "for the purpose of opening an inlet at the lower end of Albemarle Sound, near a place called Nag's Head, and improving the navigation of said Sound, with its branches;" and in November, 1828, an emendatory law was passed.

On the 21st of December, 1804, the State of South Carolina passed a law levying a tonnage duty, for the purpose of "building a marine hospital in the vicinity of Charleston;" and on the 17th of December, 1816, another law was passed by the Legislature of that State, for the "maintenance of a marine hospital."

On the 10th of February, 1787, the State of Georgia passed a law levying a tonnage duty on all vessels entering in the port of Savannah, for the purpose of "clearing" the Savannah river of "wrecks and other obstructions" to the navigation.

On the 12th of December, 1804, the State of Georgia passed a law levying a tonnage duty on vessels, "to be applied to the payment of the fees of the harbor-master and health officer of the ports of Savannah and St. Mary's."

In April, 1783, the State of Maryland passed a law laying a tonnage duty on vessels, for the improvement of the "basin" and "harbor" of Baltimore, and the "river Patapsco."

On the 26th of December, 1791, the State of Maryland passed a law levying a tonnage duty on vessels, for the improvement of the "harbor and port of Baltimore."

On the 28th of December 1793, the State of Maryland passed a law authorizing the appointment of a health officer for the port of Baltimore, and laying a tonnage duty on vessels to defray the expenses.

ing, and the interests involved too numerous to indicate such a result. In the discussions upon that subject, in the 30th Congress, much ability was displayed by the champions upon both sides. The express and implied powers which are conferred by the Constitution were examined in every aspect, and the sanction which had been given in various forms to the policy, by the statesmen who had occupied the presidential chair, was shown.* The vetoes of Mr.

Congress have passed many acts giving its "consent" to these and other State laws, the first of which is dated in 1790, and the last in 1843. By the latter act, the "consent" of Congress was given to the law of the Legislature of the State of Maryland, laying a tonnage duty on vessels for the improvement of the harbor of Baltimore, and continuing it in force until the first day of June, 1850. I transmit herewith copies of such of the acts of the Legislatures of the States on the subject, and also the acts of Congress giving its "consent" thereto, as have been collated."—*Veto Message of Mr. Polk, December* 15, 1847.

* "Here, then, Mr. Chairman, we find General Jackson asserting the very power, and specifying the identical objects of the appropriations made by this bill, 'the improvement of our harbors, and the removal of partial and temporary obstructions in our navigable rivers, for the security and facility of foreign commerce'—a power not only to *protect*, but to *facilitate* commerce, and as such, exercisable for its *convenience*, as well as its safety. And in succeeding pages of this Message, he lays down the rule, that these appropriations should be confined to the removal of obstructions below ports of entry. This rule, sir, the honorable gentleman from Alabama, [Mr. Yancey,] told us on yesterday, that he was willing to adopt; but he took the precaution to annex a qualification, which is not to be found in the rule itself, as laid down by General Jackson—a condition or limitation, which, if ingrafted upon it, would imply a want of information wholly inexcusable on the part of that great hero and statesman. The gentleman insisted that General Jackson meant ports of entry, in which the proud ships that brought the cargo across the ocean, might enter, and not those established where an Indian canoe would scarcely float. Sir, was not General Jackson aware, at the time that he prescribed the rule, that ports of entry had been established far in the interior, where the shipping engaged in our foreign commerce never entered, and could not float? Did he not know that Pittsburg, two thousand miles distant from the seaboard,

Polk did not have the effect of arresting the tide of popular feeling in favor of the system; and whenever it is not opposed by Executive power, it will be

was a port of entry? What does he tell us in the part of the Message just read? 'As a natural *consequence of* the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only on the seaboard, but in the *interior of the country!*' He knew, then, that the ports of entry had been established in the interior, and yet makes no discrimination in the application of the rule between any of them, whether found in the interior or on the seaboard!

"If, sir, General Jackson had *intended* what the honorable gentleman from Alabama supposes, why did he not make the rule exclusively applicable to ports of entry on the seaboard? Why, at the very moment that his attention was engrossed by the whole subject, and when he was fashioning a rule to govern his future conduct, and especially when he mentioned the multiplication of these ports, did he not designate to which the rule should apply, if not intended to be general? No reason can be assigned. It is therefore manifest that General Jackson did not design to limit the rule to those ports of entry only, in which cargoes were discharged from the gallant vessels that floated them over the billows of the Atlantic. And, sir, while General Jackson affirms that these expenditures have sometimes been extravagant, so far from interposing any constitutional check to the exercise of the power by Congress to make such appropriations, he expressly tells us that he felt it his duty to 'assent to the bills containing them,' and to 'follow, in this respect, in the footsteps of all his predecessors.' This power, then, was sanctioned by every chief magistrate of the country who preceded him, as well as by the profound and distinguished statesman (Mr. Van Buren) who succeeded him; and yet honorable gentlemen assume to denounce it as a departure from the old landmarks of the republican party!"—*Speech of Mr. Constable of Maryland in the House of Representatives of the United States, March 11th*, 1846.

"I derive the power to pass this bill from the first article and eighth section of the Constitution, and the first clause of that section, which reads as follows: 'The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States.' It is no answer to me to say that this ground has been taken by federalists, by the advocates of a strong government, by the opponents of State rights, &c.; that it has been exploded, or is anti-republican. I profess to be a sincere

adopted as the policy of the land, for a time at least.

The national domain has ever been a subject of great interest with the Government and people of

friend to the union of these States, and an inflexible advocate of the largest liberty of the citizen, and yet I believe Congress to possess the power of internal improvement under this clause of this Constitution. I believe the clause to be big with meaning, and that upon its proper construction may yet depend the destinies of this mighty people. I believe a proper and well-digested system of internal improvements to be for the general welfare of the United States, and therefore to come within this power to provide for the general welfare. It is said, however, that no power is given by this clause, except that to raise taxes, &c., and to apply them to the common defence, &c.; and that these words, common defence and general welfare, relate to the subsequent clauses of the Constitution, and that they were at best rather supererogatory than otherwise. Now I deny that the words to raise taxes, &c., have any controlling power over the other parts of the sentence, and insist upon the rules both of grammar and of correct criticism, that three distinct powers are given under this clause, viz.: 1st, to lay and collect taxes; 2d, to pay the debts; and 3d, to provide for the common defence and general welfare: and I say, further, that the expression 'to lay taxes to provide for the common defence and general welfare,' is not true Anglo-Saxon language, according to the grammars now in use and force. To lay taxes with which to provide, &c., will do, and yet I am at a loss to perceive the necessity, if this were the meaning, to introduce these words, common defence and general welfare, unless, indeed, they were to mean something more than what the other clauses of the Constitution embraced; and upon this latter supposition it would be very little material whether the first clause of the sentence controlled the two last or not; for, if taxes are to be raised to provide for the common defence, &c., and these last words are not restricted by the subsequent parts of the Constitution, then the limit to the raising of taxes is only what Congress may deem proper for the common defence and general welfare. I cannot hold that the words here used, 'to provide,' &c. are words of supererogation, introduced to round off the sentence. Such a supposition is totally inconsistent with the character of the instrument, and the framers of it—an instrument in which the utmost chastity and precision of language, and freedom from all superfluous verbiage, was not only to be desired, but was evidently sought, and it is to be hoped, attained."—*Speech of E. H. Ewing, H. of R. U. S., March 16th, 1846.*

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this country. There have been acquired by revolution, treaty, and conquest, vast quantities of virgin soil, out of which have been carved new States. A large amount still remains unoccupied, over which roams the native tenant of the wilds. These forests are disappearing before the advance of civilization, and populous cities and thriving villages, are rapidly rising along the plains and valleys of the far West. It has been the policy of many of our public men to graduate and reduce the price of the public lands, so that each of our frontier settlers could obtain homes.* While others have been opposed to this course, either for the purpose of contributing to the Treasury of the United States the greatest amount of money, or of appropriating the proceeds thereof to distribution among the States.†

* See Messages of Jackson and Polk, and Speeches of Messrs. McClernand, Bowlin, and others, during the 29th and 30th Congresses.

† Referring to the instructions of the Legislature of Pennsylvania, Mr. Buchanan in the Senate, August 12th, 1841, said: "They were thus commanded to resist every attempt to deprive Pennsylvania of her just proportion of the public lands. And what was that just proportion? She had stated in clear and explicit terms, and had asserted her claim in the most solemn form, to such a portion of the proceeds of these lands as her federal representative population would bear to the federal representative population of the whole Union under the late census."—*Congressional Globe, 1st session 27th Congress*, 328.

"Mr. Allen offered the following amendment: That no money shall be distributed under this Act, until there shall be a surplus in the Treasury, without keeping on the taxes now levied, or that may hereafter be levied upon the people, in the form of duties on tea, coffee, salt, and other necessaries of life, used by the general body of the community."

"Yeas—Messrs. Allen, Benton, Calhoun, Clay of Alabama, Fulton, King, Linn, McRoberts, Mouton, Nicholson, Pierce, Sevier, Tappan, Walker, Williams, Woodbury, Wright, and Young, 18.

"Nays—Messrs. Archer, Barrow, Bates, Bayard, Berrian, Choate,

The propriety of reducing the price of the public lands, and granting pre-emption rights upon the most liberal terms to the settlers, was recommended by Mr. Polk in his first annual message.* These views

Clay of Kentucky, Clayton, Dixon, Evans, Graham, Henderson, Huntington, Ker, Mangum, Merrick, Miller, Moorehead, Phelps, Porter, Prentiss, Rives, Simmons, Smith of Indiana, Southard, Tallmadge, White, and Woodbridge, 28.—*Congressional Globe, extra session 27th Congress*, 357.

* "Under our present land system, limiting the minimum price at which the public lands can be entered, to one dollar and twenty-five cents per acre, large quantities of lands of inferior quality remain unsold, because they will not command that price. From the records of the General Land Office it appears, that of all the public lands remaining unsold in the several States and Territories in which they are situated, thirty-nine millions one hundred and five thousand five hundred and seventy-seven acres have been in the market, subject to entry more than twenty years; forty-nine millions six hundred and thirty-eight thousand six hundred and forty-four acres, for more than fifteen years; seventy-three millions seventy-four thousand and six hundred acres for more than ten years; and one hundred and six millions one hundred seventy-six thousand nine hundred and sixty-one acres for more than five years. Much the largest portion of these lands will continue to be unsaleable at the minimum price at which they are permitted to be sold, so long as large territories of land from which the more valuable portions have not been selected, are annually brought into the market by the Government. With the view to the sale and settlement of these inferior lands, I recommend that the price be graduated and reduced below the present minimum rate, confining the sales at the reduced prices to settlers and cultivators, in limited quantities. If graduated and reduced in price for a limited term to one dollar per acre, and after the expiration of that period, for a second and third term to lower rates, a large portion of these lands would be purchased, and many worthy citizens, who are unable to pay higher rates, could purchase homes for themselves and their families. By adopting the policy of graduation and reduction of price, these inferior lands will be sold for their real value, while the States in which they lie will be freed from the inconvenience, if not injustice, to which they are subjected, in consequence of the United States continuing to own large quantities of public lands within their borders, not liable to taxation for the support of their local government.

I recommend the continuance of the policy of granting pre-emptions in its most liberal extent, to all those who have settled, or may here-

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were enforced in each of his annual messages to Congress, with an earnestness and force which proved that his feelings were enlisted in that measure of justice and reform.

On the 3d of August, 1846, the President approved a bill granting the right of pre-emption to actual settlers on the lands acquired by treaty from the Miami Indians, in the State of Indiana, and making the minimum price per acre two dollars. On the same day an act was approved, authorizing the Commissioner of the General Land Office to determine, upon principles of equity and justice, all cases of suspended entries then existing in the land office, and to decide in what cases patents should issue upon them. On the 8th of May, 1846, a law was passed repealing an act approved April 5th, 1832, and which declared that no person should be permitted to enter more than one half quarter section of land in quarter sections, in his own name, or in the name of any other person, and in no case, unless he intended it for cultivation, or for the use of his improvement. And it was enacted that all entries, selections, or locations of lands suspended in the General Land Office should be confirmed, provided they were in all other respects fair and regular. On the 11th of July, 1846, a law was passed conferring power upon the President to sell the reserved mineral lands in the States of Illinois, Arkansas, and the Territories of Wisconsin and Iowa.

after settle, on the public lands, whether surveyed or unsurveyed, to which the Indian title may have been extinguished at the time of settlement. —*Message of Mr. Polk to Congress December*, 1845.

On the 8th of August, 1846, Congress granted to the Territory of Iowa one equal moiety, in alternate sections of the public lands remaining unsold and unincumbered, in a strip five miles in width on each side of the Des Moines river, for the improvement thereof. On the 1st of March, 1847, a law was enacted by Congress authorizing the sale of the mineral land in quarter sections, at a sum of not less than five dollars per acre; and on the 3d of March, 1847, the States of Michigan, Illinois, and Arkansas, were empowered to sell the salt spring lands lying within their respective boundaries. By the provisions of the Act of February 11th, 1847, it was declared that each non-commissioned officer, musician, or private, enlisted or to be enlisted in the regular army, or regularly mustered into any volunteer company for a period of not less than twelve months, who had served or might serve during the war with Mexico, and who should receive an honorable discharge, or had been killed or died of wounds received, or sickness incurred in the course of such service, or who was discharged before the expiration of his term of service, in consequence of wounds received or sickness incurred in the course of such service, was entitled to receive himself, or his relations in case of his death, a certificate or warrant from the War Department for 160 acres of land. This act of justice to those persons who had so gallantly rallied under the standard of their country, appropriated immense tracts of the public domain.

Notwithstanding the repeated recommendations of the President for a general reduction of the price

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of the public lands, and in favor of a more liberal policy towards the actual settlers, no radical change was made in the system during his administration.

The administration of the Post-Office Department was conducted with great vigor during the entire term of Mr. Polk, by Cave Johnson. Before he was appointed to preside over that department, there had been a radical change in the rates of postage and the method of transmitting the mails.

That law was passed on the 3d of March, 1845, and went into operation on the 1st of July following.* The rates of postage established by this act for the transmission of every single letter in manuscript, or paper of any kind upon which information is asked for, or communicated in writing, &c., were five cents for any distance under three hundred miles, and for more than that, ten cents. The Postmaster General was directed to contract for the transportation of the mail with the lowest bidder who tendered sufficient guarantees for the faithful performance of his duty, without any reference to the *mode* of such transportation, except as to its due celerity, certainty, and security.

For the purpose of avoiding the embarrassment which might result from a falling off in the Post-Office receipts, the sum of seven hundred and fifty thousand dollars was appropriated, and placed to the credit of the Post-Office Department in the Treasury of the United States, to supply any deficiency which might occur. Not only was the close

* For this act, see United States Statutes at large, by Little and Brown, vol. 5, p. 733.

of the last session of the 28th Congress characterized by this reduction of postage, but a law was passed authorizing the Postmaster General not only to make arrangements with the English government for the transmission of the British mail between Boston and Canada, but he was also empowered to make arrangements with the governments of France and Germany for the direct transmission of the mails between the United States and those countries. The ports of Bremen in the latter country, and Havre in the former, were designated as the points where the mails would be delivered.*

Another act of Congress was passed on the 3d of March, 1845, conferring authority upon the Postmaster General to contract for the transportation of the United States mail between any of our ports and those of foreign powers, whenever, in his opinion, the public interest would be promoted by it. The contracts were to be made with citizens of the United States, and the mail to be conveyed in American vessels. A preference was to be given to such bidders for the contract as proposed to carry the mail in steamships, the contractor stipulating to deliver the ships to the United States, upon demand made, for the purpose of being converted into vessels of war, the United States being bound to pay to the owners the full value thereof. The Postmaster General was still further empowered to make contracts for a period of not more than ten years, for the transportation of the mail from one point to another in the United States in steamboats by sea,

* Little and Brown's compilation of United States Laws, vol. 5, p. 718.

on the Gulf of Mexico, and on the Mississippi river to New Orleans.*

Such were some of the laws which governed the Post-Office Department when its management was assumed by Mr. Johnson. In his first report to Congress he disclosed its operations.† By a com-

* Little and Brown's compilation of United States Laws, vol. 5, p. 748.

REPORT OF THE POSTMASTER GENERAL.

POST-OFFICE DEPARTMENT, December 1, 1845.

Sir: The extent of the post routes in the United States over which the mails were transported, on the 30th day of June last, was 143,844 miles. The annual transportation of the mails over these routes, on the same day, was 35,634,269 miles; on horseback and in sulkies, 11,225,631 miles; by stage and coach, 17,924,046 miles; by steamboats and railroads, 6,484,592 miles; which cost the United States $2,905,504.

For the service on horseback and in sulkies . .	$ 548,482
For the service in coaches and stages . . .	1,476,079
For the service on railroads and in steamboats .	843,430
For local and mail agents, and mail messengers incident to the service on railroads and steamboats	37,513
	$2,905,504

The number of contractors on that day in the service of the department was 3,277; mail agents 30; and mail messengers 114; the number of local agents 13; all connected with the railroad and steamboat service.

It is gratifying to find that, whilst the annual transportation was greater for the year ending the 30th of June, 1845, than for the preceding year by 224,645 miles, the cost was less by $62,791. On the 30th of June, 1845, there were 14,183 post-offices. There were established during the preceding year 352 new offices, and 269 discontinued.

On this day the number is 14,903.

There were appointed during the same period, 3,033 postmasters: 897 were appointed in consequence of deaths or resignations; 17 in consequence of a change in the site of the offices; 753 removals; 14 where the commissions expired, and not reappointed; 352 by the establishment of new offices; 516 of the number of contractors were fined, or deductions made from their pay for omissions to perform, or irregularities in the performance of their contracts, which amounted to $10,521 50, after deducting the remission of fines.

parison of the returns, he ascertained that there was a diminution of the means of the department to meet the expenses of the current year of $1,323,997 less than the preceding year. The cost of transporting the mail, however, under the provisions of the new law, was reduced $252,732 for the year ending 30th of June, 1846, in New-York and New-England. The Postmaster General had much difficulty in making contracts with several railroad companies. This was owing to the fact, that the demand on their part, exceeded the rates prescribed by the act of Congress of March 3d, 1845. Mr. Johnson recommended the passage of a law requiring the prepayment of postages upon all matter passing through the mails, asserting that the transportation of letters is at the request of the person who deposits them in the office, and the risk of their delivery should not be thrown upon the department.

In his report to the President on the 7th of December, 1846, the Postmaster General stated with great minuteness the operations of his department. He examined the annual average income from the 1st of July, 1836, to the 30th of June, 1845,* and

The revenue of the department for the same period amounted to $4,289,841 80. The expenditure for the same time amounted to $4,320,731 99.

The net revenue, after deducting the commissions of postmasters, contingent and incidental expenses, amounted to $2,942,217 27."—*Report of the Postmaster General, December 1st*, 1845.

* "Sir: The general interest felt in the operation of the act of the 3d of March, 1845, on the revenues and expenditures of the Post-Office Department, induced me to direct the Auditor to prepare a quarterly statement of them, from its reorganization in 1836, to the 30th of June last.

the annual average expenditure for the same period.* It appeared that the mail service of the United States, exclusive of Texas, was performed at that

The tables accompanying this report, marked A and B.
From table A it appears that the annual average income, from the 1st of July, 1836, to the 30th of June, 1845, amounted to the sum of $4,364,624 65
Whilst the income for the year ending the 30th of June, 1846, the first under the new law, amounted to . 3,487,199 35

"Making a loss of revenue the first year under the new when compared with the annual average of the nine preceding years, of 877,425 30
"And making a loss of revenue the first year under the new law, as compared with the preceding, of . . 802,642 45
"The revenues, as above stated, include the postages paid on matter which went free through the mails prior to the passage of the late law, of which no account was kept prior to the commencement of the last fiscal year. This diminution of the revenues of the Department arises principally from the loss on letter postage, which, when compared with that of the preceding year, amounted to 778,533 64

"Being the entire loss sustained by the Department, except $24,108 81

'No inconsiderable portion of this deficiency in the revenues of the past year, may be traced to other causes than a reduction of the rates of postage by the act of the 3d of March, 1845."

* "Table B exhibits the expenditures quarterly under the appropriate heads. From this it will be seen that the annual average expenditure from the 1st of July, 1836, to the 30th of June, 1845, amounted to . $4,499,593 58
"And the expenditure for the year ending 30th of June, 1846—the first year under the new law—to the sum of 4,084,297 22

"Making a reduction for the first year, under the new law, when compared with the annual average expenditure of the nine preceding years, . . . $41[illegible]96 36

time by 3,530 contractors on 4,285 post routes, the aggregate length of which was 149,679 miles. That exceeded the amount of the service rendered the previous year in length of routes, 5,739 miles, but at a cost of $202,913 less than the year before. This was occasioned by the reduction of price for carrying the mails in New-York and New-England, under the operation of the law of March 3d, 1845. A similar reduction of price for the transportation of the mails in the Northwestern and Southwestern States and Territories was effected, amounting to $223,901 per annum. Nearly one third of the postmasters in the United States resigned their offices under the operations of the act of 1845, owing to the diminished compensation which that law gave them.

Contracts had been made for the transportation of the mails between New-York and Bremen, and the Ocean steamers were rapidly progressing for that purpose. On the 19th of June, 1846, a law

"And when compared with the expenditures of the previous year, a reduction of	$236,437 77
"The whole expenditure for the year ending the 30th of June, 1846, amounted to	4,084,297 22
"The income for the same time, including the postages paid by the different branches of the Executive Government, amounted to	3,487,199 35
"Leaving a deficiency of revenue of	$597,097 87
"The deficiency was supplied by drafts from the treasury, as the service required,	650,000 00
"Leaving a balance in hand on the 1st of July, of the moneys drawn from the treasury during the fiscal year, of	$52,902 23

Report of the Postmaster General, December 8th, 1846.

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assed, authorizing the Postmaster General to appropriate $25,000 for a line of mail steamers from the United States to that city; and on the 2d of March, 1847, there was appropriated $258,609 to enable the Postmaster General to comply with the contract made with Edward Mills for that purpose. By the act approved July 10th, 1848, the Postmaster General was authorized to pay $400,000 for the same object, and for the transportation of the mails between Charleston, South Carolina, by way of Key West, $50,000 was appropriated. On the 30th of June, the post routes in operation in the United States were in extent 153,818 miles, and the annual transportation of the mails over them was 38,887,899 miles.* The increase in the extent during the year ending the 30th of June, 1847, was 9,878 miles, and in the transportation, 3,253,630 miles. The contracts for carrying the mail in Virginia, North and South Carolina, Georgia and Florida, was made at a reduction of price amounting to $108,697 per annum. The expenditures for the year ending the 30th of June, 1847, amounted to $3,979,570 63, being $33,677 32 more than the revenues. These facts confirmed the warmest anticipations of the friends of cheap postage, and converted the Postmaster General himself into a supporter of the system.

The establishment of the line of mail steamers between the United States and Europe, was opposed by an act of illiberality upon the part of Great Britain. An order was issued on the 9th of

* Report of the Postmaster General, December 6th, 1847.

June, 1847, by the direction of the Lords of the Treasury, subjecting all letters and newspapers taken by the Washington to England, to the same rate of postage as if they had been conveyed in the British steamers, at their own expense.* The conduct of our Government towards that of Great Britain had been characterized by great liberality. An agreement had been made in 1844, authorizing the transmission of the British closed mails to Canada through the United States. When Mr. Johnson was informed of the order issued by the Lords of the Treasury, he promptly annulled the agreement of 1844.

An express line was established in Montreal for the purpose of transmitting letters to the British steamers through the United States, and in this way it was intended to defeat the policy adopted by the Postmaster General. But they were mistaken in supposing that they could thwart his designs. Orders were communicated from the Post-Office Department to the officers stationed along the line, to prevent this violation of the laws, and persons were arrested having in their possession mails for the British steamers.

The post routes in operation within the United States on the 30th of June, 1848, were 163,208 miles in extent, and the annual transportation of the mails over them was 41,012,579 miles. There was an increase in the length of the routes during the preceding year of 9,390 miles, and an increase on the amount of annual transportation of 2,124,680

* Report of the Postmaster General, December 6th, 1847.

miles.* The contracts made for the conveyance of the mails in New-Jersey, Pennsylvania, Delaware, Maryland and Ohio, went into operation on the 1st of July, 1848. The cost to the Government was $61,674 less than the preceding year. The operations of three years under the act of March 3d, 1845, exhibited an augmentation of the mail service 15 per cent., and the cost for the same time was diminished 15⅞ per cent.

The assignees of the contract for conveying the mails to San Francisco, had completed on the 4th of December, 1848, the number of steamers required by the contract,† and they sailed from New-York for the purpose of engaging in the service. The steamers which had been built to convey the mails from New-York to Havana and Chagres, were launched and nearly ready to take their place in the line. The steamer Falcon sailed from New-York in time to deliver her mails at Chagres, in season for their transmission to Panama, to meet the Pacific steamer that was to touch at that place.

The Secretary of the Navy was directed to accept the proposals which had been made by E. K. Collins, to the Postmaster General, for the transportation of the United States mail between New-York and Liverpool. The Secretary of the Navy was also instructed to contract with A. G. Slow, for the transportation of the mail from New-York to New-Orleans twice a month and back, touching at Charleston, Savannah and Havana, and from the

* Report of the Postmaster General, December 2d, 1848.

† Report of the Secretary of the Navy, December 4th, 1848.

latter place to Chagres and back twice a month. He was also empowered by that act, to make arrangements to convey the mail from Panama to some point in the territory of Oregon once a month each way.* An appropriation was subsequently made of $874,600 for carrying the contracts into effect.† The contracts which were made by the Secretary of the Navy, required the steam vessels to be ready for service in October and November, 1848. The annual compensation under those agreements were, to Collins $385,000; to Slow $290,000; to Arnold Harris $199,000.

Thus mail routes were extended throughout the interior of the country, wherever the necessities of the case required them to afford facilities for the transmission of intelligence, and the diffusion of knowledge. Ocean steam ships were employed to carry the mails of the United States to Liverpool and Bremen, to Chagres and California. The most enlarged and liberal enterprises followed fast upon the establishment of cheap postage, and the wants of the people throughout this extended confederacy were supplied, and thus still farther illustrated this age of progress.

During the year 1845, the American squadron in the Mediterranean consisted of the Cumberland and the Plymouth, under the command of Commodore Smith.‡ The African squadron was organized by Commodore Perry, who was relieved by Com-

* Little & Brown's compilation of the United States Statutes at large.

† Act of August 3d, 1848.—*Ibid.*

‡ Report of the Secretary of the Navy, December, 1847.

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modore Skinner in the Jamestown. The Preble and the Truxton were ordered to return home, and the Southampton, the Marion, Dolphin, and Boxer, were ordered to supply their places. Commodore Read, in the Cumberland, proceeded in January to relieve the Jamestown and Yorktown, which were ordered to the Mediterranean. On the Brazil station, Commodore Rousseau was directed to succeed Commodore Turner, in command of the Columbia, the Saratoga, the Plymouth, and the Bainbridge. Commodore Parker returned from a very successful cruise upon the Asiatic station, in September, 1845, with the Brandywine, the St. Louis, and the Perry. In May, of that year, Commodore Biddle sailed for the East Indies, with the Columbus ship of the line, and the Vincennes. The Pacific squadron, consisting of the Savannah, the Levant, the Warren, and the Shark, was under the command of Commodore Sloat, while the home squadron, consisting of the Potomac, the Falmouth, the Vandalia, the St. Lawrence, and the Somers, was under the command of Commodore Conner. That force was increased by the Princeton and Porpoise, the St. Marys and the Saratoga, under Commodore Stockton, and soon after by the John Adams, and the steam ship Mississippi. The Secretary of the Navy on the 5th of December, 1846, in his annual report to the President, referred to the disposition which had been made of the United States navy during the preceding year. No naval force had been maintained in the Mediterranean. Commodore Biddle, with the Columbus and Vincennes, visited various places in

the China seas. Commodore Skinner was relieved on the coast of Africa by Commodore Read, while Rousseau continued in command of the Brazil station, and Commodore Sloat was in command of the Pacific squadron. On the 7th of June, 1846, Sloat, while at Mazatlan, was informed of the commencement of hostilities between the United States and Mexico, and sailed for California. On the 7th of July he demanded the surrender of Monterey, which, not being complied with, he landed a force from the squadron, and took possession of the place by a bloodless achievement. On the 9th, Commander Montgomery, of the sloop Plymouth, seized San Francisco. About this time Stockton arrived, and succeeded Sloat in the command of the squadron. On the 13th of August, Stockton and Fremont captured Ciudad de los Angeles; and before the close of that month, California was in the undisputed possession of the American forces.

In the meantime, an effective squadron was concentrated in the Gulf of Mexico. After the declaration of war of the 13th of May, the Secretary of the Navy directed the home squadron to blockade the principal ports of the enemy on the Gulf. Two unsuccessful attempts were made by Commodore Conner to capture Alvarado, one on the 7th of August, and the other on the 15th of October. This was the place subsequently captured without loss, by Lieutenant Hunter, and for which he was found guilty by a Court of Inquiry. On the 16th of October, Commodore Perry, with the steamer Mississippi, and the small vessels belonging to the squad-

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ron, captured Fronteira, sailed up the river, and took Tabasco. On the 14th of November, Tampico surrendered to Commodore Conner. It was upon this occasion that the patriotism and daring of Mrs. Ann Chase, wife of the American Consul at Tampico, was conspicuously displayed. As the squadron approached the town, she heroically displayed the American flag, under circumstances calculated to appal the stoutest heart, and won for herself a national reputation. About that time, the brig Truxton was lost, and her officers and crew became prisoners to the Mexicans, but were subsequently exchanged for General La Vega, and several officers who were taken with him at the battle of Resaca de la Palma. The brig Perry was also wrecked.

During the year 1847, not more than 8,000 men were at any one time in the naval service.* The difficulty in procuring sailors to man our vessels of war, was owing to the great activity in the merchants' service, the increased price paid for the transportation of goods, and the high wages paid to the seamen. Squadrons were maintained during the year 1847 in the Mediterranean, upon the coast of Africa, at Rio Janeiro, in the Pacific, and upon the Gulf coast. The most exciting service which had been performed for years by the American navy, was enacted upon the Mexican coast. On the 21st of March, 1847, Commodore Conner, whose health had become impaired by his service in that climate, devolved the command of the home squadron upon

* Report of the Secretary of the Navy, December, 1847.

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Commodore Perry. This enterprising officer faithfully discharged his duty during the remainder of the campaign. The operations of the squadron before Vera Cruz, and the service performed by the seamen on shore, greatly assisted in the capture of the formidable castle of San Juan d'Ulloa. During that year the brig Somers was lost, making the third vessel which had been wrecked on the coast of Mexico.

Congress, by joint resolution of the 3d of March, 1847, authorized the Secretary of the Navy to place at the disposal of Captain De Kay the United States ship Macedonian, and the United States sloop of war Jamestown, under the command of Captain Forbes, of Boston, for the purpose of transporting to Ireland contributions which had been made to relieve the sufferings of that people. It was a singular coincidence that the Macedonian, a ship that had been captured from Great Britain, should be sent thither for the purpose of relieving her subjects from the horrors of starvation.

The construction of four steam ships of war was authorized by the act of Congress of the 3d of March, 1847. The Saranac was to be built at Kittery, the Powhatan at Norfolk, the Susquehanna at Philadelphia, the San Jacinto at New-York.* The Pacific squadron, in 1848, consisted of the Ohio and Columbus, ships of the line, razee Independence, frigate Congress, sloops Portsmouth, Warren, Cyane, Dale, Preble. with the storeships Erie, Lexington, and Southampton. The Columbus, the flag ship of

* Report of the Secretary of the Navy, December 4th, 1848.

Commodore Biddle, arrived in the United States on the 13th of March, 1848. The frigate Congress was ordered home, the Portsmouth returned on the 5th of May, and the Cyane on the 9th of October. The Pacific squadron, for the time, was under the command of Commodore Biddle, who was succeeded by Commodore Shubrick, who was in turn relieved by Commodore Thomas Ap Catesby Jones. The home squadron was continued under the command of Commodore Perry till the 20th of November, 1848, when Commodore Wilkinson relieved him. It consisted of the frigate Cumberland, the sloops Albany, John Adams, Germantown, and Saratoga; the steamers Mississippi, Spitfire, Vixen, Scorpion, Water-Witch, Scourge, Iris, and Petrita; the schooners Reefer, Petrel, Bonito, Flirt, Mahonese, Falcon, and Tampico; and of the bomb-vessels Etna, Stromboli, Vesuvius, and Hecla; with the storeships Relief and Electra.*

The African squadron, under Commodore Bolton, consisted of the sloops Jamestown, Portsmouth, Decatur; the brigs Boxer, Bell, Porpoise, and Bainbridge. The Mediterranean squadron, under Commodore Read, consisted of the frigate United States, sloop Marion, the steamer Princeton, the schooner Fancy, and the storeship Supply; while the Brazil squadron, under the command of Commodore Storer, was comprised of the frigate Brandywine, the brig Perry, and the steamer Alleghany.

Thus it will be seen, that the small navy of the United States was actively employed in all parts of

* Report of the Secretary of the Navy, December, 1848.

the world in the protection of our extensive commerce. When we take into consideration the varied interests which are involved in the commerce of the United States, and the inadequacy of our marine to protect it in case of a rupture with any of the maritime powers of Europe, the importance of strengthening that arm of the public defence forcibly suggests itself. Within the last twenty years the navies of Great Britain and France have been immensely increased, especially in war steamers. Without possessing the same advantages for the construction of war vessels, and with a more contracted coast to defend than the United States, the navies of both of those powers greatly preponderate in number of vessels, and weight of metal, over our own. The material which we have for building a marine far exceeds that which is possessed by any other commercial power, while the American seamen are unrivalled in professional skill and gallantry. Our naval schools furnish instruction to the youth of the country, while the extensive fisheries in which the American seamen are engaged, prepare them to discharge the duty which devolves upon them, when they enlist in the service of the United States. England is our great rival upon the deep: possessing the same language, and controlled by an indomitable will, which can overcome all obstacles; with a commerce whose sails whiten every ocean, it is not improbable that before the lapse of half a century, the dominion of the seas will be disputed by the rival branches of the Anglo-Saxon race. England possesses a more powerful navy, and the prestige which

repeated victories over the Dutch and the French gave her. There is one fact, which will enable us to triumph over England in a protracted conflict upon the seas: we possess internal resources which will enable us to exist, if our commerce was utterly destroyed; while the prosperity of England, and the stability of its throne, essentially depend upon the supremacy of her maritime power. If a war should be declared between the two countries, the navy of the United States would be increased so as to contend successfully with England upon her own element, while it would be powerfully assisted by the privateers, which would issue from every port along our extended line of sea-coast, to cut up and destroy the commerce of Great Britain. This result will weaken her power, destroy the source from whence flows her immense wealth, until the English throne itself totters to its fall.

As long as the navy of England so much exceeds that of the United States, we shall always be handled roughly at the commencement of a struggle. And it is to avoid such a result which creates the necessity for a large increase of our war steamers. This is rendered the more justifiable, because the contest with Mexico proved that perfect reliance can be placed upon the volunteers, so far as the land service is concerned, and renders unnecessary the support of a large standing army.

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CHAPTER XII.

The veto power exercised by Mr. Polk.—The instructions to Mr. Slidell.—The slavery question.—The Wilmot Proviso.—The slavery question in the Constitutional Convention.—The Missouri compromise.—Territorial Government for Oregon.—Admission of Wisconsin and Iowa into the Union.—Progress made in the arts and sciences.—State of American literature and education.—Conclusion.

Upon several occasions during the administration of Mr. Polk, the acts of Congress brought that branch of the Government into collision with the Executive. Elected as the representative of the entire nation, it was his right, as well as his duty, to guard and protect the interests of all. Upon three several occasions he deemed it his duty to exercise the veto power conferred upon him by the Constitution, for the purpose of arresting the legislation of Congress. In shielding the Constitution from encroachment, he followed the example which had been set him by several of his predecessors.* The veto power has been exercised twenty-four times, since the organization of the Government under the present Constitution, and seven thousand seven hundred laws have been passed since that time.

* The veto power was exercised twice by Washington, six times by Madison, once by Monroe, upon nine occasions by Jackson, four by Tyler, and three times by Polk.

Mr. Polk vetoed two bills which were passed by Congress, for the improvement of harbors and rivers, and also the bill making appropriations to satisfy the claims of our citizens for the spoliations committed by the French. In his last annual message to Congress, the President examined at some length the constitutional negative which the Executive has upon the action of Congress.* The demo-

* "The President is bound to approve, or disapprove, every bill which passes Congress, and is presented to him for his signature. The Constitution makes this his duty, and he cannot escape it if he would. He has no election. In deciding upon any bill presented to him, he must exercise his own best judgment. If he cannot approve, the Constitution commands him to return the bill to the House in which it originated, with his objections; and if he fail to do this within ten days (Sundays excepted), it shall become a law without his signature. Right or wrong, he may be overruled by a vote of two-thirds of each House; and, in that event, the bill becomes a law without his sanction. If his objections be not thus overruled, the subject is only postponed, and is referred to the States and the people for their consideration and decision. The President's power is negative merely, and not affirmative. He can enact no law. The only effect, therefore, of his withholding his approval of a bill passed by Congress, is to suffer the existing laws to remain unchanged, and the delay occasioned is only that required to enable the States and the people to consider and act upon the subject, in the election of public agents who will carry out their wishes and instructions."

"Congress, and each House of Congress, hold under the Constitution a check upon the President, and he, by the power of the qualified veto, a check upon Congress. When the President recommends measures to Congress, he avows, in the most solemn form, his opinions, gives his voice in their favor, and pledges himself in advance to approve them if passed by Congress. If he acts without due consideration, or has been influenced by improper or corrupt motives—or if from any other cause Congress, or either House of Congress, shall differ from him in opinion, they exercise *their veto* upon his recommendations, and reject them; and there is no appeal from their decision, but to the people at the ballot-box. These are proper checks upon the Executive, wisely interposed by the Constitution. None will be found to object to them, or wish them to be removed. It is equally important that the constitutional checks of the Executive upon the legislative branch should be preserved.

cratic party have sustained, with great unanimity, the provision of the Constitution which authorized the President to postpone or defeat the passage of a law by the exercise of the veto, while the whig party, at various periods, have endeavored to amend that instrument, by abolishing the power altogether.*

"If it be said that the Representatives in the popular branch of Congress are chosen directly by the people, it is answered, the people elect the President. If both Houses represent the States and the people, so does the President. The President represents in the Executive Department the whole people of the United States, as each member of the legislative department represents portions of them."

"Upon the same principle that the veto of the President should be practically abolished, the power of the Vice President to give the casting vote upon an equal division of the Senate should be abolished also. The Vice President exercises the veto power as effectually by rejecting a bill by his casting vote, as the President does by refusing to approve and sign it. This power has been exercised by the Vice President in a few instances, the most important of which was the rejection of a bill to re-charter the Bank of the United States in 1811. It may happen that a bill may be passed by a large majority of the House of Representatives, and may be supported by Senators from the larger States, and the Vice President may reject it by giving his vote with the Senators from the smaller States; and yet none, it is to be presumed, are prepared to deny to him the exercise of this power under the Constitution."—*Message of Mr. Polk, December 5th*, 1848.

* "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,) That when a bill which shall have passed the Senate and House of Representatives of the United States shall be returned by the President, with his objections to his approbation and signature, if, upon its reconsideration, it shall pass each House by a majority of all the members belonging to such House, notwithstanding the President's objection, it shall become a law; and the requisition by the existing Constitution of two-thirds of each House again to pass the bill in such case is hereby annulled."—*Resolution introduced into the Senate by Henry Clay, December 29th*, 1841.

"No doubt the idea of ingrafting this power upon our own Constitution was adopted by the Convention, from having always found it as a

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On the 4th of January, 1847, the House of Representatives passed a resolution calling upon the President to communicate to that body, the instruc-

power recognized in European Governments, just as it had been before derived by them from the practice and history of Rome. At all events, the power was inserted as one feature, not only in the general Constitution of the Federal Government, but also in the Constitutions of a portion of the States. Fifty years had now elapsed since the Federal Constitution was formed, and it was no derogation from the wisdom and patriotism of the venerable men who framed it, now to say that the work of their hands, though as perfect as ever had proceeded from human hands, was, nevertheless, not absolutely so; because that was what nothing that sprang from man had ever been. But now, after the lapse of a half a century, it was interesting to pause—to look back—to review the history of that period, and to compare the predictions of those who then looked into the future, with the actual results of subsequent experience. Any one at all acquainted with the contemporaneous history of the Constitution, must know that one great and radical error which possessed the minds of the wise men who drew up that instrument, was an apprehension that the Executive Department of the then proposed Government would be too feeble to contend successfully in a struggle with the power of the Legislature; hence it was found that various expedients had been proposed in the Convention, with the avowed purpose of strengthening the Executive arm; one of which went so far as to propose that the President should be the chief magistrate for life. All these proposals had their origin in the one prevailing idea—that of the weakness of the Executive, and its incompetence to defend itself against the encroachments of legislative domination and dictation."

"But while there had been no such thing in practice as an encroachment by the Federal upon the State Governments, there had, within the Federal Government itself, been a constant encroachment by the Executive upon the Legislative Department."

"First, it attacked the treaty-making power. None could now read the language of the Constitution, without at once coming to the conclusion that the intention of the authors of that instrument was that the Senate should be consulted by the President, not merely in the ratification but in the inception of all treaties: that in the commencement of the negotiations, the instructions of the ministers appointed to treat, the charter and provisions of the treaty, the Senate should be consulted, and should first yield its assent."

"The President now, without a word of consultation with the Senate,

tions and orders issued to Mr. Slidell, at any time prior or subsequent to his departure for Mexico, as Minister Plenipotentiary of the United States to that country. An effort was made to amend the resolution, by stating, "if not incompatible with the public interest." This amendment was rejected, and the resolution, in its original form, passed, and the call of the House upon the Executive was unconditional. On the 13th of that month, Mr. Polk responded to the demand made upon him, and declined complying with that part of the resolution.*

on his own mere personal sense of propriety, concluded a treaty, and promised to the foreign power its ratification, and then, after all this had been done, and the terms of the treaty agreed upon, he for the first time submitted it to the Senate for ratification. Now every one must see that there was a great difference between rejecting what had already been actually done, and refusing to do that thing if asked beforehand."

"The next Executive encroachment he should notice was that which occurred in the dismissal from office, of persons appointed by and with the consent of the Senate. The effect of this practice was virtually to destroy all agency and co-operations of the Senate in such appointments."—*Speech of Mr. Clay in the Senate, January 14th, 1832.*

* "The information called for respects negotiations which the United States offered to open with Mexico, immediately preceding the commencement of the existing war. The instructions given to the Minister of the United States relate to the differences between the two countries, out of which the war grew, and the terms of adjustment which we were prepared to offer to Mexico in our anxiety to prevent the war. These differences still remain unsettled; and to comply with the call of the House, would be to make public through that channel, and communicate to Mexico, now a public enemy engaged in war, information which could not fail to produce serious embarrassment in any future negotiations between the two countries." "Entertaining this conviction, and with a sincere desire to furnish any information which may be in possession of the Executive Department, and which either House of Congress may at any time request, I regard it to be my constitutional right, and my solemn duty under the circumstances of this case, to decline a compliance with the request of the House contained in their resolution."—*Message of Mr. Polk to the House of Representatives, January 12th, 1848.*

The issue that was thus raised between the President and the House of Representatives, was of the gravest character, and created much asperity of feeling. A great deal depends upon properly defining the relative powers of the co-ordinate branches of the General Government; and the debate upon the President's message exhibited great ability. Precedents were adduced by the opposition members for the purpose of showing that the President had transcended his powers,* while it was as strenuously

* "He (Mr. T.) must draw a hasty distinction between the treaty power and the war power. The Constitution vested in the President and Senate the power to make treaties; and the question arose, should the House or not, without inquiring into the proprieties of the treaties made, or their operation upon the people, as affecting the interests, the prosperity, the liberty of the American people—should it blindly vote appropriations to carry them into effect? He agreed with Mr. Representative Polk, that they should not. Suppose the President and the Senate should surrender New-York to the English, as the Spaniards surrendered Gibraltar, ought the House to vote the appropriations which might be necessary to carry the treaty into effect? He admitted this was an extreme case, but it exhibited more clearly the principle. The representatives of the people would be derelict to the highest obligations of freemen, to vote appropriations to carry into effect a treaty without understanding how that treaty is to affect the public interests. But widely different was the case of war. The Constitution did not vest that power with the President and Senate. When the people adopted the Constitution, they retained the right—being the true sovereigns—of the war-making power, to be exercised through their Representatives in Congress; and this information now called for of Mr. Polk was in relation to war. Congress wanted to know, in relation to this war, what was to be accomplished, and how it was to be accomplished."—*Speech of Patrick W. Tompkins in the House of Representatives, January* 19, 1848. *Congressional Globe, 1st session 30th Congress*, pp. 203 and 204.

"I will state, sir, that the reason why I have felt it my duty to take this course, is, that I consider it a novel thing, and a thing affecting the rights of this House, and of the constituency of this House—the people of the United States. It denies, sir, as I understand it, the power, the

contended by the democratic party, that the course pursued by the Executive was sustained by the action of his predecessors, and by the Constitution of

constitutional power of this House to call for that information. I believe it is the first time in the History of the Union that it has been denied.

"Now, sir, the President has not added what was the action of the House upon that, and the action of the House was in direct opposition to the resistance of President Washington to their call. The House formally declared—and I wish the journal might be looked to to see—the House formally declared, against President Washington, their right to call for such information. That was their action; and as far as I know—although the very memory of Washington, by every body in this country, at this time, (and by none more than myself,) is reverenced next to worship—the President was wrong in that particular instance, and went too far to deny the power of the House; and as to his reasons, I never thought they were sufficient in that case. And I have always been of the opinion, and most assuredly that has been the opinion of the democratic party, to which I do not profess to belong, [a laugh,] they have unanimously disapproved of that act of President Washington, as interfering with the rights of this House, and of their constituents, the people of the United States.

"I think this House ought to sustain, in the strongest manner, their right to call for information upon questions in which war and peace are concerned. They ought to maintain their right, and maintain it in a very distinct manner, against this assertion upon the part of the President of the United States."—*Last remarks ever addressed by John Q. Adams, in the House of Representatives, January 12th*, 1848.

"The President came and asked supplies—men and money to carry on this war—to maintain him in the position, he said, of honorable fair dealing towards Mexico, with whom we were at war; and as the justification, they were told, was to be found in connection with the history of this portion of the war, they inquired of him whether or not he could give them light upon this subject; and he declined to do so, and declined upon the pretext that by it would be made public to the country, and to Mexico, the matters in relation to the passport of Santa Anna, and the instructions of Mr. Slidell. The 111th rule of this House provided as follows, and he wished it to be read by the Clerk:

"'Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons except the Members, Clerk, Sergeant-at-Arms, and Doorkeeper, and so continue during the reading of such communications, and (unless otherwise directed by the House,) during all debates and proceedings to be had thereon.'

the United States.* In a constitution of checks and balances, like our own, it is a matter of the most vital importance that one branch of the Government

"If the President of the United States, (continued Mr. S.,) had been willing to trust the Representatives of the people of the United States, there would have been no difficulty about this communication. He could have marked it 'confidential;' then it would have been the duty of the Speaker to have advised the House that it was a confidential communication, and to have had the House cleared of all persons except the members and officers, while they took up the subject of the information which was necessary for their wise and judicious action in time of war."—*Remarks of Mr. Schenck in the House of Representatives, January 12th, 1848.*

* GENERAL WASHINGTON'S MESSAGE, IN 1796.

There was a resolution introduced into the House of Representatives on the 7th of March, 1796, to the following effect:

"*Resolved*, That the President of the United States be requested to lay before this House a copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain, (communicated by his message of the first instant,) together with the correspondence and other documents relative to the said treaty, excepting such of the said papers as any existing negotiation may render it improper to be disclosed."

"A motion was made and seconded to amend the said motion, by striking out the words '*excepting such of the said papers as any existing negotiation may render it improper to be disclosed*,' and inserting in lieu thereof the words, 'except so much of the said papers as, in his judgment, it may not be consistent with the interest of the United States to disclose.'"

This amendment was rejected, and the resolution as originally introduced was passed on the 24th of March, 1796.

The object of the amendment was to leave the communication of the instructions and correspondence called for in the resolution entirely to the discretion of the President. His judgment, alone, was to control him in the premises. That amendment was rejected, and the demand was made for the instructions and correspondence, with the single qualification, that the President might withhold such "papers as any existing negotiations may render it improper to be disclosed."

That portion of the instructions and correspondence which was disconnected with the future, was peremptorily demanded by the House, and as flatly refused by President Washington.

should not trench upon the powers of another. Upon a strict adherence to the constitutional boundary of each, hinges the successful operation of all.

President Washington, on the 30th of March, 1796, responded to the resolution of the House of Representatives. It is nowhere asserted in his message that the communication of the instructions and correspondence called for would be detrimental to the public interest. He only goes so far as to insist, that after negotiations are brought to a conclusion, a full disclosure of all the measures, demands, or eventual concessions, "*might* have a pernicious influence on future negotiations," &c. He did not for that reason refuse to comply with their request. He based his argument upon altogether different grounds. He denied the right of the House of Representatives to possess the information, and asserted that the Constitution had vested the power to make treaties in the President and Senate, and that when made and promulgated they became the law of the land.

It has been asserted, that if confidential communications are made to the House, it can resolve itself into secret session. President Washington said, that the necessity for "caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate; the principle on which that body was formed, confining it to a small number of members."

Washington's message forcibly illustrates his opinions.

"The nature of foreign negotiations requires caution, and their success must often depend on secrecy: and even when brought to a conclusion, a full disclosure of all the measures, demands, or eventual concessions, which may have been proposed or contemplated, would be extremely impolitic; for this might have a pernicious influence on future negotiations, or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers. The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate; the principle on which that body was formed, confining it to a small number of members.

"To admit then a right in the House of Representatives to demand, and to have, as a matter of course, all the papers respecting a negotiation with a foreign power, would be to establish a dangerous precedent."

"Having been a member of the General Convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject; and from the first establishment of the Government to this moment, my conduct has exemplified that opinion, that the power of making treaties is exclusively vested in the President, by and

No question that can ever arise in this country will be more delicate; and, upon its proper adjustment, the stability of the Union may yet depend.

with the advice and consent of the Senate; provided two-thirds of the senators present concur, and that every treaty so made and promulgated, thenceforward is the law of the land."

"If other proofs than these, and the plain letter of the Constitution itself, be necessary to ascertain the point under consideration, they may be found in the journals of the general convention, which I have deposited in the office of the department of State. In those journals it will appear, that a proposition was made 'that no treaty should be binding on the United States which was not ratified by law,' and that the proposition was explicitly rejected."

Here is a decided expression of opinion upon the part of General Washington, who was one of the members of the convention which framed the Constitution, that the House of Representatives can take no part in conducting the foreign negotiations of the country.

Mr. Webster, in his speech in the House of Representatives on the Panama mission, cites the case of the appointment of commissioners to Ghent, where the President gave them such instructions as he saw fit. Although the war was begun for certain purposes, yet Congress did not assume a right to ascertain from the Executive, whether the negotiations were to be conducted with a view to accomplish those ends.

Mr. Webster was then denying the right of the House to interfere with foreign negotiations.

"But, in truth, there have been much stronger cases for the interference of the House, where, nevertheless, the House has not interfered. For example: in the negotiations for peace, carried on at Ghent. In that case, Congress, by both Houses, had declared war for certain alleged causes. After the war had lasted some years, the President, with the advice of the Senate, appointed ministers to treat of peace; and he gave them such instructions as he saw fit. Now, as the war was declared by Congress, and was waged to obtain certain ends, it would have been plausible to say that Congress ought to know the instructions under which peace was to be negotiated, that they might see whether the objects for which the war was declared had been abandoned; yet no such claim was set up. The President gave instructions such as his judgment dictated, and neither House asserted any right of interference."—*Speech of Mr. Webster, April* 14, 1826.

In the case cited by Mr. Webster, the declaration of war had been made by Congress, and *afterwards*, and during the progress of that war,

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The acquisition of territory from Mexico, apparently, increased the dangers which the question of slavery presents to the Government of this country.

the ministers were appointed and the instruction given, and yet the House of Representatives did not assume the right to interfere.

In the case now under consideration, the instructions were given *before* the declaration of war, and consequently no assertion can be made that the instructions to Mr. Slidell were a departure from the line of policy indicated in that declaration.

MISSION TO PANAMA.

Ministers were appointed by President Adams for the purpose of attending the Congress to assemble at Panama.

This question produced a long and able debate in the House of Representatives.

Upon the one hand it was contended, that while the appropriation should be made, to enable the President to send ministers to the Congress of Panama, yet that the House had the power to express what should be done, and to withhold their sanction to any departure from what was considered the settled policy of the country, in relation to intercourse with foreign nations.

Upon the other side it was insisted that the right to appoint ambassadors being vested in the President and Senate, it was the duty of the House to grant the necessary appropriation, without any restriction upon the right of the other branches of the Government.

Where the simple resolution to grant the appropriation was amended, by an expression of the views of the House as to the manner in which the mission should be conducted, it was rejected by a vote of 143 to 54.

Mr. Webster referring to the appointment of the minister by President Adams, remarked: "These officers do, indeed, already exist. They are public ministers. If they were to negotiate a treaty, and the Senate should ratify it, it would become a law of the land, whether we voted their salaries or not. This shows that the Constitution never contemplated that the House of Representatives should act a part in originating negotiations or concluding treaties."

The House of Representatives in 1832 was desirous of obtaining the correspondence between our Government and Buenos Ayres, and passed a resolution calling upon the President for it.

On the 28th of December, 1832, President Jackson sent the following message to the House of Representatives:

This result was anticipated by several southern members of Congress, who were opposed to the dismemberment of the Mexican territory.* Diffi-

"To the House of Representatives:

"I have taken into consideration the resolution of the House requesting me to communicate to it, so far as, in my opinion, may be consistent with the public interest, the correspondence between the Government of the United States and that of the Republic of Buenos Ayres, which has resulted in the departure of the chargé d' affaires of the United States from that Republic, together with the instructions given to the said chargé

* "Mr. Gentry supposed that the gentleman only meant that we must indemnify ourselves for the expenses of the war; and to do this we should be obliged—most reluctantly obliged—to annex some of her provinces, though the whole nation was opposed to it. Yes; the President had not waged war for conquest—not at all. But he found conquest in his path, and he could neither get over it, nor get around it; so he e'en picked it up. Now, Mr. G. insisted, that no such annexation could take place without an act of the Legislature, or a violation of the Constitution. If it was the desire of the people that these provinces should become a part of the United States, let them say so. But they had not, and they would not."

"Would the Northern States consent that slavery should be established in these new provinces? Certainly not. Then we were to have at the extreme South a cordon of free States. What would the present South say to that?"

"Did not gentlemen see the difficulties which lay in prospect before us? What was the President going to do with these provinces when he got them? This question of slavery had been met by our revolutionary fathers at the time of the formation of the Constitution, and even then it was one of the utmost difficulty. It came up again on the admission of Missouri, and then it shook the deepest foundation of this entire Union; nor was the danger averted but by the efforts of that illustrious patriot, to whom the country owed so much of its prosperity. Should it be brought up again in this new form, and on so wide a scale, he feared it was destined to produce the wreck of all our hopes. These men in power were evidently going to build up the South at the hazard of the Union itself. There were bad men among us who desired its dissolution, and, unless Congress put a curb into the mouth of this petty tyrant, (and, as his side of the House could not do this alone, he invoked gentlemen on the other who loved their country, to aid in the work,) we might anticipate consequences more disastrous than any thing that had happened to us since the

culties were also apprehended by the Executive, who warned Congress to avoid them, and he invoked a spirit of concession and harmony upon their deliberations.*

d' affaires, and in answer to the said request, state, for the information of the House, that, although the chargé d' affaires of the United States has found it necessary to return, yet the negotiation between the two countries for the arrangement of the differences between them, are not considered as broken off, but are suspended only until the arrival of a minister, who,

adoption of the Constitution."—*Speech of Mr. Gentry, of Tennessee, House of Representatives of the United States, December 16th*, 1846.

"*Be it, therefore, resolved, by the Senate and House of Representatives of the United States of America in Congress assembled*, That the present war with Mexico 'is not waged with a view to conquest,' or the dismemberment of that republic by the acquisition of any portion of her territory."—*Resolution introduced by Mr. Stephens, of Georgia, January 22d*, 1847, *Congressional Globe, 2d session 29th Congress*, p. 240.

The House refused to suspend the rules for the introduction of that resolution, 76 members voting in the affirmative, and 88 in the negative.

* "In organizing governments over these territories, fraught with such vast advantages to every portion of our Union, I invoke that spirit of concession, conciliation, and compromise in your deliberations, in which the Constitution was framed, in which it should be administered, and which is so indispensable to preserve and perpetuate the harmony and union of the States. We should never forget that this union of confederated States was established and cemented by kindred blood, and by the common toils, sufferings, dangers, and triumphs of all its parts, and has been the ever augmenting source of our national greatness and of all our blessings.

There has, perhaps, been no period since the warning so impressively given to his countrymen by Washington, to guard against geographical divisions and sectional parties, which appeals with greater force than the present to the patriotic, sober-minded, and reflecting of all parties and of all sections of our country. Who can calculate the value of our glorious Union? It is a model and example of free government to all the world, and is the star of hope and haven of rest to the oppressed of every clime. By its preservation we have been rapidly advanced as a nation to a height of strength, power, and happiness, without a parallel in the history of the world. As we extend its blessings over new regions, shall we be so unwise as to endanger its existence by geographical divisions and dissensions?"—*Message of Mr. Polk to Congress, July 6*, 1848.

Indeed, the agitation upon the subject of slavery had increased in violence since the elevation of Mr. Polk to the presidential chair. The question which

it is officially announced, will be sent to this country, with power to treat on the subject.

"This fact, it is believed, will justify the opinion I have formed, that it will not be consistent with the public interest to communicate the correspondence and instructions requested by the House, so long as the negotiations shall be pending.

"Signed, ANDREW JACKSON."

In that resolution the demand was for the correspondence between the two Republics, as well as the instructions to the chargé d' affaires. The President refused to give either. And yet in that case the correspondence was as well known to the Government of Buenos Ayres as to our own. No fear could be expressed, therefore, that injury would result from the correspondence falling into the possession of that Government, because it was already in their possession. Not so in the case of the Slidell instructions.

The evils resulting from the publication of diplomatic correspondence, was demonstrated in the case of the treaty with France. After that treaty was ratified by our Government, the correspondence was called for and published, and the effect was a refusal for a time of the French Chambers to ratify the treaty, and the two countries were brought to the verge of a war. This danger would undoubtedly have been obviated, if the correspondence had been withheld until the treaty had been ratified by both Governments.

On the 22d of April, 1842, a resolution offered by Mr. Allen, came up for action in the Senate of the United States. The resolution called upon the President for all the information in his possession with regard to the establishment in the State of Rhode Island of a republican form of government, in the place of the land company charter granted by King Charles II. of England; and with that information all correspondence, proclamations, orders and proceedings of any character and description whatsoever, which had been taken on the part of the Executive Government of the United States touching that matter.

Mr Allen remarked that he wanted distinctly to be understood before the country, that the resolution pointed to Executive action, and not to the merits or demerits of the controversy in that State. Mr. Preston spoke of the impolicy of any action on the subject by the Senate in the present juncture of affairs, and moved to lay the resolution on the table. Those

had been compromised by the framers of the Constitution, and again by Congress when Missouri was admitted into the Union, now raged with startling

who voted in the affirmative, were Messrs. Archer, Bagby, Barrow, Bates, Berrien, Calhoun, Choate, Clayton, Conrad, Crittenden, Cuthbert, Evans, Graham, Huntington, King, Mangum, Miller, Phelps, Porter, Preston, Simmons, Smith of Indiana, Sprague, and Tallmadge, so it was laid upon the table.

Here was a case where it was supposed that the President of the United States had or was about to interfere in the internal affairs of a State, and that he intended to exercise the power vested in him as Commander-in-chief of the army for that purpose, the effect of which might be to involve the country in a civil war. Although it was purely a *domestic* question, and did not involve delicate negotiations with foreign powers, yet the Senate refused to make the call upon the President.

THE McLEOD CASE.

On the 22d of February, 1842, Mr. Allen of Ohio, introduced the following resolution into the Senate of the United States:

"*Resolved*, That the President of the United States be requested to inform the Senate, if in his opinion it may be done without detriment to the public interest, what proceedings, if any, have taken place between this and the British Government relative to the matter of the Caroline, and the arrest and demand of McLeod, since the date of his last communication on this subject, and to lay before the Senate a copy of the correspondence which may, subsequently to that date, have passed between these Governments relative to the same matters."

Mr. Rives, who was at that time chairman of the committee on foreign affairs, made the following observations. (Congressional Globe, p. 259.) "Mr. Rives said it appeared to him it would be virtually taking the department of foreign affairs into their own hands. What was it the honorable Senator desired? Not the facts connected with the case. These he was already in possession of. But he wants to know in what manner the negotiation had been carried on between the two Governments. In what respect was the Constitution so impaired that it became necessary for the Senate of the United States to take out of the hands of the Executive the control of foreign negotiations?"

"It was said that the public interests was not likely to sustain any detriment by the publication of these negotiations, but independently of the want of courtesy and indelicacy towards the Executive, there were

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violence, and fresh materials were given to the raging element by the acquisition of territory from Mexico.

abundant reasons why an inquiry of this kind should not be made at this moment."

"Mr. Rives moved that the resolution be laid upon the table. The motion was decided in the affirmative. Yeas 24; nays 13."—*Senate Journal*, p. 186.

Those who voted in the affirmative were Archer, Barrow, Bates, Berrien, Calhoun, Choate, Clay, Clayton, Evans, Henderson, King, Mangum, Merrick, Morehead, Porter, Prentiss, Preston, Rives, Simmons, Smith of Indiana, Southard, Sprague, Tallmadge, Woodbridge.

Those who voted in the negative were Allen, Benton, Fulton, Linn, McRoberts, Pierce, Sevier, Smith of Conn., Sturgeon, Tappan, Woodbury, Wright, Young.

In this case the reason assigned for laying the resolution on the table, was that the Senate had no right to take the foreign negotiations of the country out of the hands of the Executive, and that it would exhibit a want of courtesy, and be an act of indelicacy towards the Executive.

In that case the lives of our citizens had been sacrificed, and their property destroyed, upon the undisputed soil of the Republic. The injury was still unredressed. The solemn appeal, "I am an American citizen," was unanswered; and it was to hasten the day of atonement, that the demand was to be made upon the Executive, and yet Senators who now clamor about "unlawful assumption of power," could then fold their arms upon their breasts, because it would be "*indelicate* to interfere."

On the 9th of April, 1846, resolutions were introduced into the House of Representatives by Mr. C. J. Ingersoll, calling upon the State Department for information relative to the conduct of Daniel Webster, while acting as Secretary of State.

Mr. Ingersoll prefaced his resolutions with the distinct charge, that Mr. Webster while Secretary of State had been guilty of misdemeanors in office, and that he had made a fraudulent misapplication and personal use of the public fund, &c., and that the information sought for would establish those facts.

Among those who voted against the resolutions were Messrs. J. Q. Adams, Ashmun, Garrett Davis, Hudson, Thomas Butler King, Schenck, and Truman Smith.

The President declined to comply with the resolution, assigning as a reason that there was a law in existence to the following effect: When money is drawn from the treasury under any law making appropriations

During the first session of the 29th Congress a bill was introduced into the House of Representatives, appropriating $2,000,000, for the purpose of defraying any extraordinary expenses which might be incurred in the intercourse between the United States and foreign nations. This appropriation was desired to enable the President to obtain California in any treaty which might be concluded between the two countries.* It was to this bill that Mr. David Wilmot, of Pennsylvania, proposed his cele-

for the contingent expenses between the United States and foreign nations, if in the judgment of the President the expenditure of any sums should not be made public, he has only to make a certificate of the amount thereof, which is a sufficient voucher.

Here a law which can be repealed, authorized the President to be controlled by his judgment merely, and upon the ground that certificates had been made by some of his predecessors, President Polk refused to comply with the request of the House.

In that case a distinct charge had been made against a man high in office, which, if true, would subject him to impeachment. In was a matter in which foreign Governments had no concern; it was a domestic question strictly, and yet those gentlemen not only vote against the passage of the resolution, but upon the refusal of the Executive to comply with the call, they are warm in their commendations of his conduct.

In the case now under consideration, where the President intrenches himself behind his constitutional rights, and his duty to his country, when the subject of controversy is not a domestic question merely, but one involving the foreign policy of the country, and that, too, in a time of war, these same gentlemen are loud in their denunciations of the President.

After an examination of all these precedents, it is difficult to see how members of the whig party can complain of the exercise of the power by the President in refusing to comply with the resolutions. Upon constitutional grounds, upon the precedents set by his predecessors, and upon the question of expediency, it is difficult to see how the conduct of the Executive can be successfully assailed for discharging a sacred obligation to the Constitution and to the country.—*Note by the author.*

* See Congressional Globe, 1st Session 29th Congress, p. 1213–6 Ibid. 1218.

brated proviso, which was incorporated into it by the votes of northern Representatives.* On the engrossment of the bill, which was the test vote, there were 85 yeas, and 79 nays. All who voted in the affirmative were from the free States, except two, and all who voted in the negative were from the slave States, except twelve.

When the Senate took up this bill for consideration, Mr. Lewis, of Alabama, moved to strike out the Wilmot proviso. It was near the hour fixed by joint resolution of the two Houses for the adjournment of Congress. Mr. Davis, of Massachusetts, proceeded to discuss the bill, and although twice reminded by Mr. Lewis that he would prevent action by thus consuming time, he continued to address the Senate until the House had adjourned *sine die.*

During the second session of the 29th Congress, a bill was introduced to place at the disposal of the President $3,000,000, to be used if necessary in concluding a treaty of peace. The Wilmot proviso was again offered as an amendment to the bill. Mr. Douglas, of Illinois, moved to amend the proviso, by declaring that it should apply alone to territory north of 36° and 30′ north latitude.† This propo-

* Congressional Globe, 2d session 29th Congress, 424.

† "Provided, That as an express and fundamental condition to the acquisition of any territory from the republic of Mexico by the United States, by virtue of any treaty that may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted."—*Proviso introduced by Wilmot, Congressional Globe, 1st session 29th Congress*, p. 1217.

sition was rejected by a vote of 82 to 100. Mr. Graham moved to amend the proviso, by asserting that slavery should be prohibited north of the Missouri compromise line of 36° and 30′, and tolerated south of it, if a majority of the people in any new State should authorize it by their constitution. This motion was also rejected, by a vote of 81 to 104. On the proposition to incorporate the Wilmot proviso into the three million bill, the vote was 115 yeas, and 106 nays.* All who voted in the affirmative were from the free States, except John W. Houston, of Delaware, and all who voted in the negative were from the slave States, with the exception of Messrs. Charles J. Ingersoll, McClean, Erdman, of Pennsylvania; Douglas, Ficklin, and McClernard, of Illinois; Owen and Wick, of Indiana; Sawyer, St. John, Morris, Parish, Cunningham, and Morris, of Ohio; and Strong, of New-York. On the passage of the bill as amended, the vote was 115 to 105. The three million bill passed the Senate on the 1st of March, 1847, without the proviso, by a vote of 29 to 24. The two Houses upon this question, then, were at issue, and one had to yield, or the bill would fail. On the 3d of March, 1847, the Senate bill was taken up for consideration in the House of Representatives, and Mr. Wilmot moved to amend it by inserting his proviso: the motion was rejected by a vote of 97 in the affirmative, to 102 in the negative. The bill then passed the House by a majority of 34.

* Congressional Globe, 2d session 29th Congress, p. 425.

Thus the proviso was temporarily defeated in both branches of the national legislature. The question, however, was not decided, but only postponed, and the excitement which resulted from it rages with a violence that threatens the most disastrous consequences.

The President attempted to pour oil upon the troubled waters which the storm had driven against the pillars of the Constitution, and threatened to undermine that glorious fabric, and involve it in irretrievable ruin. In his message to the House of Representatives, approving the Oregon territorial bill, he laid down a chart by which the American people might be governed in the admission of new States, while he solemnly appealed to the patriotism and good sense of all to allay the excitement.*.

* "The Missouri compromise contains a prohibition of slavery throughout all the vast regions, extending twelve and a half degrees along the Pacific, from the parallel of thirty-six degrees thirty minutes, to that of forty-nine degrees; and east from that ocean to and beyond the summit of the Rocky Mountains. Why, then, should our institutions be endangered because it is proposed to submit to the people of the remainder of our newly acquired territory lying south of thirty-six degrees, thirty minutes, embracing less than four degrees of latitude, the question whether, in the language of the Texas compromise, they 'shall be admitted (as a State) into the Union with or without slavery?' Is this a question to be pushed to such extremities by excited partisans on the one side or on the other, in regard to our newly acquired distant possessions on the Pacific, as to endanger the union of thirty glorious States which constitute our confederacy? I have an abiding confidence that the sober reflection and sound patriotism of all the States, will bring them to the conclusion that the dictate of wisdom is to follow the example of those who have gone before us, and settle this dangerous question on the Missouri Compromise, or some other equitable compromise, which would respect the rights of all, and prove satisfactory to the different portions of the Union.

"Holding as a sacred trust the Executive authority for the whole Union, and bound to guard the rights of all, I should be constrained, by a

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In the Convention which framed the Constitution, the question of slavery was the subject of earnest discussion. The views of the delegates differed widely,* and only harmonized when they were con-

sense of duty, to withhold my official sanction from any measure which would conflict with these important objects."—*Message of Mr. Polk to the House of Representatives, August* 14, 1848.

* "Mr. King thought the subject should be considered in a political light only. If two States will not agree to the Constitution, as stated on one side, he would affirm with equal belief, on the other, that great and equal opposition would be experienced from the other States. He remarked on the exemption of slaves from duty, whilst every other impost was subjected to it, as an inequality that could not fail to strike the commercial sagacity of the Northern and Middle States.

"Mr. Langdon was strenuous for giving the power to the General Government. He could not, with a good conscience, leave it with the States, who could then go on with the traffic, without being restrained by the opinions here given, that they will themselves cease to import slaves.

"General Pinckney thought himself bound to declare candidly, that he did not think South Carolina would stop her importations of slaves in any short time; but only stop them occasionally, as she now does. He moved to commit the clause, that slaves might be made liable to an equal tax with other imposts, which he thought right, and which would remove one difficulty that had been started.

"Mr. Rutledge. If the Convention thinks that North Carolina, South Carolina, and Georgia, will ever agree to the plan, unless their right to import slaves be untouched, the expectation is vain. The people of these States will never be such fools as to give up so important an interest. He was strenuous against striking out the section, and seconded the motion of General Pinckney for a commitment.

"Mr. Gouverneur Morris wished the whole subject to be committed, including the clauses relating to taxes on imports, and to a navigation act. These things may form a bargain among the Northern and Southern States.

"Mr. Butler declared that he never would agree to the power of taxing exports.

"Mr. Sherman said it was better to let the Southern States import slaves, than to part with them, if they made that a *sine qua non*. He was opposed to a tax on slaves imported, as making the matter worse, because it implied they were *property*. He acknowledged that, if the power

trolled by a spirit of concession and compromise. If they had adhered to their personal opinions with the same dogmatical purpose which governs the politicians of the present age, the draft of a Constitution would not have been submitted to the people for ratification. And if one of the extremes had yielded every thing to the other, the instrument, instead of being sanctioned, would have been summarily and indignantly rejected.

Mr. King, a member of the Convention from Massachusetts, remarked, that the exemption of slaves from a duty, while upon every other article of import the tariff was levied, would produce an inequality which could not fail to strike the commercial sagacity of the North. It was evident that he not only contemplated the existence of slavery within the borders of the Union, but that he counted upon raising revenue upon all negroes who might thereafter be imported. Mr. Rutledge declared that North Carolina, South Carolina, and Georgia, would never agree to the Constitution, unless their right to import slaves was unimpaired, while Gouverneur Morris declared the subject should be referred to a Committee, and made the subject of a bargain, between the Northern and Southern States. Colonel Mason, from Virginia, denounced the traffic as infernal, originating in the avarice of British merchants;* while Roger Sherman declared that it was

of prohibiting the importation should be given to the General Government, it would be exercised. He thought it would be its duty to exercise the power."—*The Madison Papers, containing Debates in the Convention*, p. 460–1.

* "Colonel Mason. This infernal traffic originated in the avarice of

better to let the Southern States import slaves, than to part with them, although he refused to tax them, because it implied they were *property*.

The question was compromised by allowing the States to import slaves until the year 1808, by paying a duty of ten dollars upon each person.*

The right of the South to slave representation in Congress, was also a delicate matter to adjust.†

British merchants. The British Government constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the importing States alone, but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the enemy, they would have proved dangerous instruments in their hands. But their folly dealt by the slaves as it did by the tories. He mentioned the dangerous insurrections of the slaves in Greece and Sicily; and the instructions given by Cromwell to the Commissioners sent to Virginia, to arm the servants and slaves, in case other means of obtaining its submission should fail. Maryland and Virginia, he said, had already prohibited the importation of slaves, expressly. North Carolina had done the same in substance. All this would be in vain, if South Carolina and Georgia be at liberty to import. The western people are already calling out for slaves for their new lands, and will fill that country with slaves, if they can be got through South Carolina and Georgia. Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the emigration of whites, who really enrich and strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities. He lamented that some of our eastern brethren had, from a lust of gain, embarked in this nefarious traffic. As to the States being in possession of the right to import, this was the case with many other rights, now to be properly given up. He held it essential, in every point of view, that the General Government should have power to prevent the increase of slavery."—*Madison Papers, containing Debates in the Convention*, p. 458.

* Constitution of the United States, Article 1, Section 9.

† Constitution of the United States, Article 5, Section 2, Madison Papers, p. 181.

That too was compromised by giving to the slave States three votes in the enumeration for every five slaves, in making out the ratio of representation. It has been erroneously asserted, that this right of the South to slave representation gave that portion of the Union greatly the advantage over the North. That this is not true, is evident from the fact, that three-fifths only of the slaves are counted in enumerating the population, while if they were free, five-fifths, or all, would be taken into the calculation. The proposition to include three-fifths of the slaves in the ratio of representation, was made by Mr. Wilson, of Pennsylvania.* Mr. Gerry expressed the opinion that as property should not be the rule of representation, that the blacks, who were property in the South, could not come within the rule of representation, more than the cattle and horses of the North.†

* Madison Papers, containing Debates in the Convention, p. 181.

† Mr. Gerry, of Massachusetts, "thought property not the rule of representation. Why, then, should the blacks, who were property in the South, be in the rule of representation more than the cattle and horses of the North."

"Mr. King wished to know what influence the vote just passed was meant to have on the succeeding part of the report, concerning the admission of slavery into the rule of representation. He could not reconcile his mind to the article, if it was to prevent objections to the latter part. The admission of slaves was a most grating circumstance to his mind, and he believed would be so to a great part of the people of America. He had not made a strenuous opposition to it heretofore, because he had hoped that this concession had produced a readiness, which had not been manifested, to strengthen the General Government, and to mark a full confidence in it. The report under consideration had, by the tenor of it, put an end to all these hopes. In two great points, the hands of the Legislature were absolutely tied. The importation of slaves could not be prohibited. Exports could not be taxed. Is this reasonable? What are the great

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The question of domestic slavery, which was a fruitful source of dissension and anarchy, was *compromised* by the framers of the Constitution. In settling so delicate a subject their course was characterized by great candor and fairness, and had a great effect in procuring the adoption of that instrument by the people.

The arrest and delivery of fugitive slaves also claimed the attention of the Convention. It was proposed that they should be delivered up like criminals by the Executives of each State whither they might flee; in the same way that persons charged with treason, felony, or other crime, are surrendered.* This was opposed, and the clause as it now stands was substituted.†

objects of the general system? First, defence against foreign invasion; secondly, against internal sedition. Shall all these States, then, be bound to defend each other, and shall each be at liberty to introduce a weakness which will render defence more difficult? Shall one part of the United States be bound to defend another part, and that other part be at liberty, not only to increase its own danger, but to withhold the compensation for the burden? If slaves are to be imported, shall not the exports produced by their labor, supply a revenue the better to enable the General Government to defend their masters?"—*Madison Papers, containing the Debates in the Convention*, p. 391.

* "Mr. Butler and Mr. Pinckney moved to require 'fugitive slaves and servants to be delivered up like criminals.'"

"Mr. Wilson. This would oblige the Executive of the State to do it at the public expense."

"Mr. Sherman saw no more propriety in the public seizing and surrendering a slave or servant than a horse."

"Mr. Butler withdrew his proposition, in order that some particular provision might be made, apart from this article."—*Madison Papers*, 487.

† "No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."—*Constitution of the United States.*

These provisions of the Constitution received the sanction of every section of the Union, until the whole question was re-opened when Missouri applied for admission into the Union, in 1819. The high degree of excitement which prevailed at that period, indicated the deep feeling with which the question was regarded. When patriots had almost despaired, and the hopes which were entertained for the stability of the Union began to grow faint, the danger was averted by the Missouri Compromise bill, which passed Congress on the 6th of March, 1820.* The rock upon which the ship of state had been nearly wrecked was passed. The watchful and vigilant pilots steered her in safety along the very border of the breakers, but so near, that her timbers trembled in every joint as the angry waves dashed rudely upon her deck.

The Constitution of the United States authorizes the admission of new States into the Union, and the only condition which governs the subject is the clause making it necessary for the United States to guarantee to every State a republican form of government. The citizens of each State have the right

* "That, in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than for the punishment of crimes, whereof the parties shall be duly convicted, shall be, and is hereby, for ever prohibited: *Provided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or services aforesaid."—*Section 8th of act of Congress, passed March 6th*, 1820.

to manage their domestic institutions, and possess the constitutional power to establish or abolish slavery after being admitted into the Union.* If this position is conceded, what authority does Congress possess, incidentally, to control the constitutional rights of the States to establish or prohibit slavery, at the time they apply for admission into the Union. Suppose the General Government should pass a law establishing slavery in New Mexico, it would probably have the effect of making that a a slave State. If, on the contrary, Congress should pass a bill containing the Wilmot proviso, it might have the effect of creating a free State in New Mexico. The question then arises, does the General Government possess the power thus *incidentally* to affect the rights of the States. The inhabitants of the territories have more interest in properly settling the slave question than members of Congress. They understand much better their necessities, and their responsibilities, than persons who do not reside within their borders; and they will appreciate to a far greater degree the blessings of the

* "Should Congress, when California shall present herself for an incorporation into the Union, annex a condition to her admisson as a State, affecting her domestic institutions, contrary to the wishes of her people, and even compel her temporarily to comply with it, yet the State could change her constitution at any time after her admission, when to her it should seem expedient. It is to be expected that any attempt to deny the people of the State the rights of self-government, in a matter which peculiarly affects themselves, will infallibly be regarded by them as an invasion of their rights, and upon the principles laid down in our Declaration of Independence, they will certainly be sustained in their resistance against it by the great mass of the American people."—*Message of President Taylor to the House of Representatives, January 21st*, 1850.

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Union, if permitted to adjust their domestic policy, untrammelled and uncontrolled by the General Government.* It is to be hoped that sufficient patriot-

* "It is to be expected that in the residue of the territory ceded to us by Mexico, the people residing there will, at the time of their incorporation into the Union as a State, settle all questions of domestic policy to suit themselves."—*Message of President Taylor to the House of Representatives, January 21st*, 1850.

This policy was sustained by the democratic party during the presidential contest of 1848, in their support of General Cass for the presidency. The whig party from the north, as well as a majority of the democracy from that section of the Union, during the administration of Mr. Polk, strenuously insisted upon the application of the Wilmot proviso to the territories belonging to the United States. The author, on the 1st of August, 1848, introduced the following preamble as an amendment to a territorial bill:

"*Provided*, That nothing herein contained shall be considered as an assumption of the power, upon the part of the Congress of the United States, to interfere with the establishment of slavery in said territory; or as authorizing the inhabitants thereof, having the right to vote by the provisions of this bill, to establish or prohibit slavery previous to an application for the admission of said territory into the Union as a sovereign State."

The preamble was rejected, although it embraces the principles contained in Taylor's message of the 21st of January, 1850. It remains to be seen whether the whig party of the North will abandon the ground which they have hitherto maintained for the purpose of sustaining General Taylor in the positions which have been already quoted. The New-York Tribune, in an article written before the message of General Taylor to the House of Representatives, January 21st, 1850, had been received in New-York, having surmised with great accuracy what it would contain, proceeds to say:

"On these and similar grounds he will urge Congress to leave the settlement of this exciting question to the territories themselves, encouraging them to form State Constitutions at an early day and apply for admission into the Union, which Congress is exhorted to accord promptly and cordially. Such, we infer will be the draft of the President's message.

"This is as much, we presume, as a Louisiana planter could be expected to concede, but it by no means follows that it should satisfy northern freemen or their representatives. We are utterly indisposed to hazard the Union on a punctilio, or to exasperate the public sentiment of a section, or even State, on any question of form or etiquette. We are resigned to see the Wilmot Proviso, or any other Proviso, again and again

ism still remains in our land to preserve with unchangeable fidelity that Constitution, which the fraternal affection of our fathers established. It is painful to contemplate the ruin and desolation which must follow its destruction. The blood which our ancestors so freely shed, flowed in vain if the Union is dissolved; and all good men should rally for its protection, with the same unalterable purpose which won our liberty in the days of the revolution. If the Union was invaded by a foreign foe, a million of bayonets would present a glittering wall for its defence, and a nation in arms would attest its devotion to the country's honor. Why, then, should domestic feuds induce us to destroy that ourselves which is impregnable against the assaults of the world combined. There are breakers ahead which warn us that shoals lie within the bosom of the trackless deep, and if those who control the destinies of the gallant ship, which has on board the hopes of freedom and the rights of man, are forgetful of their obligations to the past, and their responsibilities to the future, she will yet be lost, and storms and tempests will sweep unresistingly over the spot where despotism riots in the destruction of liberty and equality.

rejected by Congress, provided the territories are nevertheless preserved from the pollution of slavery. It is the substance we care for, and not the shadow. If General Taylor throws the influence of his name and station in favor of the admission of the State of California with her present Constitution, and the protection of New Mexico against the efforts of Texas to subject and enslave her, he is practically on the right side, no matter what he may feel constrained to say in favor of non-intervention, and against the Proviso. We shall thank him for his deeds, and let those who choose place emphasis on his words."—*New-York Tribune, Jan.* 22, 1850.

The President of the United States, in his first message to Congress, recommended the establishment of a territorial government for the protection of our citizens in Oregon. His views were reiterated in still more pointed language in his message of the 5th of August, 1846, and in his second and third annual communications to that body, and on the 29th of May, 1848, he made it the subject of a special message.* Although these recommendations had repeatedly been pressed upon the attention of Congress by the Executive, it was not until the 14th of August, 1848, that a territorial bill, containing the Wilmot Proviso, passed Congress, for the government of the citizens of Oregon. This was owing, in part, to the other questions of great interest which occupied the attention of Congress, but mainly to the question of slavery, which was connected with all bills for the establishment of territorial governments during that administration. In

* "The memorialists are citizens of the United States. They express ardent attachment to their native land, and in their present perilous and distressed situation, they earnestly invoke the aid and protection of their Government."

"The population of Oregon is believed to exceed twelve thousand souls, and it is known that it will be increased by a large number of emigrants during the present season. The facts set forth in the accompanying memorial and papers, show that the dangers to which our fellow-citizens are exposed are so imminent, that I deem it my duty again to impress on Congress the strong claim which the inhabitants of that distant country have to the benefit of our laws, and the protection of our Government."

"I therefore again invite the attention of Congress to the subject, and recommend that laws be promptly passed establishing a Territorial Government, and granting authority to raise an adequate volunteer force for the defence and protection of its inhabitants."—*Message of Mr. Polk to Congress, May 29th*, 1848.

his approval of the Oregon bill, the President assigned his reasons for doing so, and laid down certain principles for the control of the General Government in future.*

On the 2d of August, 1848, the Oregon bill passed the House of Representatives. The Wilmot proviso was inserted in it by a vote of 114 to 88.† In the Senate it was moved to amend the bill, by assigning as a reason for ingrafting in it the ordinance of 1787, the fact, that the country lay north of 36° 30′. This proposition only received two votes.‡ It was then proposed to amend it by applying the principles of the Missouri compromise

* Message of Mr. Polk to the House of Representatives, August 14th, 1848. Congressional Globe, 1st session 30th Congress, p. 1081.

† Congressional Globe, 1st session 30th Congress, p. 1027.

‡ "Mr. Webster addressed the Senate. He admitted the propriety of the establishment of a Territorial Government in Oregon, and he was willing to vote for this bill as it came from the House. If amended as now proposed, he would not be able to vote for it. He recited the words of the section, and said, the amendment proposed gave a reason for the application of the principle of the ordinance of 1787 to the Territory of Oregon. When a single reason was given for any act, it was intended to be inferred that there were no other reasons. The Territory of Oregon was above the line of the Missouri compromise. His objection to slavery was irrespective of lines and points of latitude: it took in the whole country and the whole question. He was opposed to it in every shape and in every qualification; and was against any compromise of the question."—*Speech of Mr. Webster, in the Senate, August 10th*, 1848.

"Mr. Calhoun said he should vote against the amendment, because he regarded it as ambiguous, and he was against all ambiguity. Again, he opposed it because the North could not be more determined to exclude the South than he was to resist such exclusion. He would be as firm in maintaining his ground as Northern Senators were in maintaining theirs. A majority would always be able to carry their views; but here a minority, aided by a few of the majority, attempted to impose on the South restrictions which could not be submitted to."—*Speech of Mr. Calhoun in the Senate, August 10th*, 1848.

to the territories of the United States, and this was agreed to by a vote of 33 to 21.* The bill was returned to the House, and this amendment of the Senate was rejected by a vote of 121 to 82. The Senate then receded from their amendment running the Missouri compromise line west to the Pacific Ocean, by a vote of 29 to 25.† Attempts were made during the same session of Congress, to establish territorial governments for Oregon, New Mexico, and California, but they all failed with the exception of the Oregon bill.

A military Governor was appointed for California, with the authority to exercise civil functions, and he was continued in office when the administration of General Taylor came into power.‡ The

* "That the line of thirty-six degrees and thirty minutes north latitude, known as the Missouri compromise line, as defined by the eighth section of an act entitled 'An act to authorize the people of Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories,' approved March 6th, 1820, be, and the same is hereby declared to extend to the Pacific Ocean; and the said eighth section, together with the compromise therein effected, is hereby revised and declared to be in full force and binding for the future organization of the Territories of the United States, in the same sense, and with the same understanding with which it was originally adopted."—*Congressional Globe, 1st session 30th Congress*, p. 1062.

† Congressional Globe, 1st session 30th Congress, p. 1078.

‡ "The immediate establishment of Territorial Governments, and the extension of our laws over these valuable possessions, are deemed to be not only important, but indispensable to preserve order and the due administration of justice within their limits, to afford protection to the inhabitants, and to facilitate the development of the vast resources and wealth which their acquisition has added to our country.

"The war with Mexico having terminated, the power of the Executive to establish or continue temporary civil Governments over these territories, which existed under the laws of nations, whilst they were regarded as

people of New Mexico enjoyed the benefit of their municipal laws after their annexation to the United States, and a military force was sent to protect them against the Indians.

During the administration of Mr. Polk two new States, Iowa and Wisconsin, were admitted into the Union. The inhabitants of Iowa, through their delegates, framed a Constitution, which was signed on the 18th of May, 1846, and a law was approved on the 28th of December of the same year, admitting her to the sisterhood of States. Iowa was settled by a hardy, industrious and enterprising population, and having the advantage of a rich and productive soil, its resources were rapidly developed. Many of the citizens of Iowa were from the slave States, and made their way thither up the Mississippi river, and located upon its banks.

Wisconsin was admitted on the 3d of March, 1847. This State is inhabited principally by northern men, but there may be found within her bor-

conquered provinces in our military occupation has ceased. By their cession to the United States, Mexico has no longer any power over them; and, until Congress shall act, the inhabitants will be without any organized Government. Should they be left in this condition, confusion and anarchy will be likely to prevail."—*Message of Mr. Polk to Congress. July 6th*, 1848.

It will be observed that Mr. Polk was willing to surrender the power to Congress to govern the territory acquired, as soon as the war ceased. But Congress did not, during his administration, establish Territorial Governments; and he was forced therefore to appoint General Riley military Governor of California, to prevent anarchy and bloodshed in that territory. His powers were enlarged by the succeeding administration, as will be seen by the message of General Taylor, and the accompanying documents, which were transmitted to the House of Representatives January 21st, 1850.

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ders very many foreigners. The agricultural resources of Wisconsin are even greater than those of Iowa, and the energies of her people are making this young commonwealth one of the most flourishing in the Union. The productions of both States are easily conveyed away. The eastern boundary of Wisconsin is washed by the transparent waters of Lake Michigan, while the western limits of Iowa are bathed by the father of rivers. The surplus produce of one finds its egress along the lakes to the Atlantic coast, and that of the other floats down the Mississippi to the great southern mart. The mind can scarcely realize, that these two prosperous sovereignties are furnishing homes for an industrious and happy people. But a few years have elapsed since the aborigines roamed undisturbed by the white man through these western wilds, and the sharp twang of the bow, the rush of the arrow, and the piercing war-whoop, alone disturbed their solitudes. Cities have arisen in the midst of forests with a celerity unequalled, except by those which have been created almost by the hand of magic upon the shores of the Pacific. Within the memory of our *young* men, first western New-York, and then Ohio, was regarded as the *far west*, but now our relations have converted the vast forests which surrounded our inland seas and western rivers into the peaceful and happy abodes of civilization.

On the 9th day of July, 1846, the President approved a bill retroceding the county and town of Alexandria to the State of Virginia. This bill re-conveyed to that State all the territory which

had been ceded by her to the General Government, with the exception of the public buildings belonging to the United States. This measure encountered very little serious opposition in either House of Congress; and when we take into consideration the uselessness of the territory to the General Government, and the vexed question of slavery, it was perhaps a movement dictated by wisdom upon the part of Congress.

We might pause here to consider the advance which had been made during the administration of Mr. Polk, in the development of the arts and sciences, the state of American literature and education, the increase or decline of morality, the progress of religion, and the prevalence of fanaticism, the existence of energy and enterprise among our citizens, as well as the acquisition of that influence and power as a nation, which commands the respect and challenges the admiration of the civilized world.

There are many circumstances in the history of a people which are regarded of secondary importance, that seem, nevertheless, to illustrate their career, and indicate the destiny which awaits them. Such events signalized each year of Mr. Polk's administration, and a brief space will now be devoted to their analysis.

In former years labor was performed by hand, with the most simple agencies. The earth was prepared for seed with wooden ploughs, and harrows with wooden teeth. Produce was wheeled to market along rough and miry roads, or taken in flat-

boats down our rivers, while merchandise, in keel-boats, was warped against the current to its place of destination.* Yarn was spun with hand-wheels, and cloth was manufactured in hand-looms. And, indeed, all the implements of husbandry were of the roughest and most unwieldy description. Time, which is so important with all, was wasted in travelling by tardy conveyances, and persons divided by a few hundred miles, rarely met. Within the last half century, great and radical changes have been made in all that relates to the comfort and happiness of man. The power of steam has become an important agent in our operations. Along our lakes and rivers, and even upon the turbulent ocean itself, steamboats are bearing the rapidly accumulating commerce of the United States, while across streams, over valleys, and through mountains, rushes the iron-horse, and intelligence with the rapidity of thought is transmitted from pole to pole.† New improvements are yearly being made in the engines which move our floating palaces, and in the shape of the vessels, that they may be forced through the water with greater ease. Steam presses, which are substituted for the small and ill-formed ones that were moved by human power,

* But a few years have elapsed since a trip down the tributaries of the Mississippi to New Orleans and back required nearly half a year. Merchandise was placed in keel-boats, and with long poles was pushed up the river. When the navigators arrived at a spot where the current was very rapid, it was *warped*, which operation consisted in attaching a rope to a tree or rock, far up the stream, and then winding it up.

† The foreign news was lately sent from Halifax to New Orleans in thirty-six hours, a distance of 2,800 miles. January, 1850.

enable our enterprising publishers to spread information and intelligence, with greater facility, before the reading world. In almost every kind of manufacturing the agency of steam is employed. The complicated machinery of cotton, carpet, and woollen corporations, the iron foundry, and the furnace,* the steamship and the tow-boat, the flour-mill and the factory, all move in obedience to that power which the genius of Fulton enabled him to subject to our control.†

The formation of our ships, the structure of the machinery used in manufacturing, farming utensils; in short, every article employed by man, has been wonderfully improved within the last few

* To show the power which art enables man to employ in his service, it is only necessary to recur to the operations of some of our iron masters. Steam is employed for the purpose of moving the bellows attached to the stack. This is something like a shot tower, only not so high, built of rock, into which is put iron ore, charcoal, and limestone. The bellows is applied to an aperture in the lower part of the stack for the purpose of producing heat. At first the boilers were placed upon the ground, and the steam was generated by large quantities of wood. But subsequently the boilers were elevated upon the top of the stack, and steam was produced by the flame which came out of it. The boilers moved the bellows, and that operated upon the fire within the stack, and the heat created thereby generated the steam.

† While Robert Fulton was employed in convincing an incredulous community of the practicability of applying steam power to water craft, he asked countenance and support from one of the wealthiest citizens of New-York, who responded to him that he was then engaged in preparing for the press a learned dissertation upon the influence which preserved Daniel unharmed in the lion's den. He was not prepared, therefore, to devote either time or attention to the "visionary scheme" which Fulton was endeavoring to perfect. The work which the millionaire supposed would startle the literary world, only made its appearance to find that oblivion which it no doubt deserved, and its enthusiastic author sleeps with his fathers, and his name perished almost with his existence, while Fulton, the despised and villified, won a deathless and immortal reputation.

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years, until nature and art are combined in yielding to the lords of creation comfort and happiness.

Science has also made rapid strides within the last fifty years; and at the present day, speculative reasoning, and metaphysical disquisitions characterize thought and argumentation. Researches upon dry and abstruse questions seem to afford particular pleasure to investigating intellects, and the fruits which reward mental toil, elevate to a still higher pedestal that knowledge which the human mind can grasp and retain.

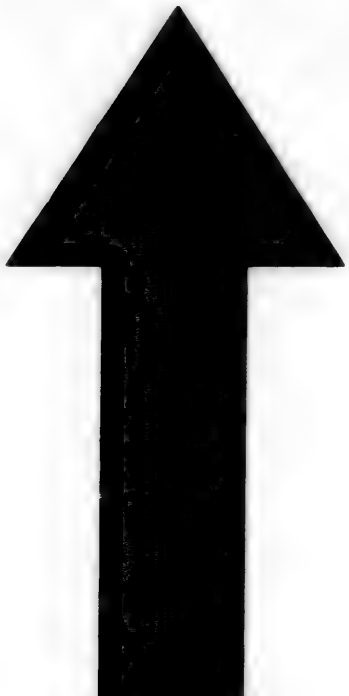
American literature is each year becoming more and more appreciated at home and abroad, until our authors stand in the front rank of historians, poets, and novelists. Education, the advance guard of liberty and the rights of man, has been extended to our youth. Facilities are afforded to the rising generation which were unknown to our fathers, and all obstacles are removed from the path which leads to the temple of knowledge. This subject presents itself in the double aspect of a guarantee for the stability of our institutions, and a passport to that happiness which mental culture cannot fail to bestow. Volumes could be written upon the advantages to be obtained by nations, as well as individuals, from a general system of education.* It qualifies men for the high and ennobling destiny which freemen can command, and renders the domestic circle peaceful and interesting. Each step taken by the white man from the Atlantic coast into the

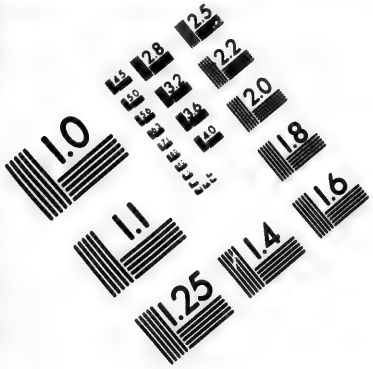
* It was a true saying, that if "the wages of the schoolmaster are reduced, the pay of the recruiting sergeant must be increased."

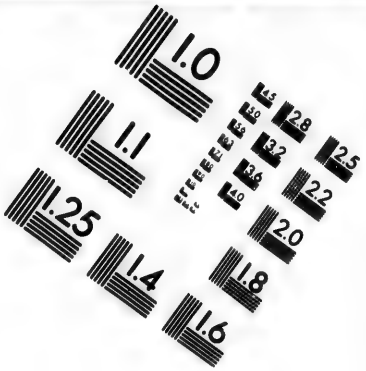
wilds of the West, has been the precursor of education and refinement, and the school-house, the academy, and the college, have been erected upon the confines of civilization. That energy which could successfully encounter the solitude and perils of a wilderness, was prepared to dissipate its gloom by mental improvement and social intercourse. To New England are the other States indebted for much of that well-directed zeal in the cause of education which signalizes the present age. The celebrity of her system of common schools has found favor elsewhere, and in many instances has been greatly improved upon.

It had been a prevailing opinion in Europe, that the Americans were a nation of *traders*, not over scrupulous about the means of acquiring wealth, and consequently, that a high state of morality could not exist among us. The Mexican war, by illustrating the chivalrous gallantry of the citizen soldier, went far towards removing this prejudice. It was proved that a much higher degree of *patriotism* animated our people than Europe ever exhibited. And where that is a prominent attribute of national character, morality must be found. I do not mean a thirst for slaughter, or a spirit which riots in carnage and blood, as an avocation; but that enthusiastic love of country which induces an estimable citizen to leave his kindred and his home, to vindicate the honor of his native land, and when that end is attained, to return to his quiet fireside, blest with a nation's gratitude.

It is a subject as gratifying to the patriot as to







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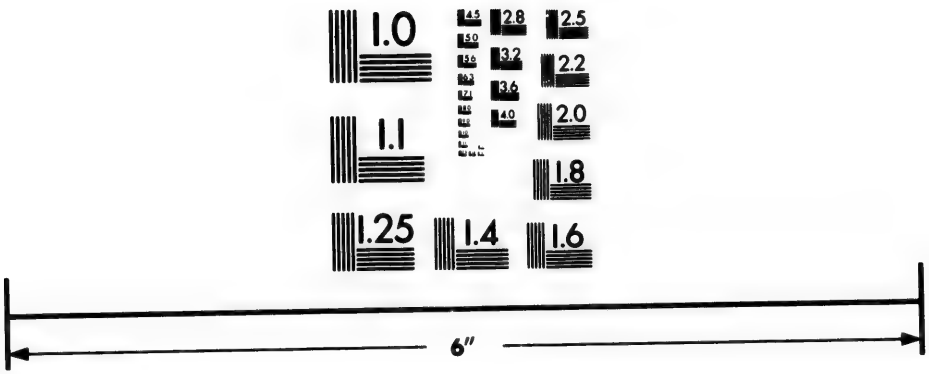

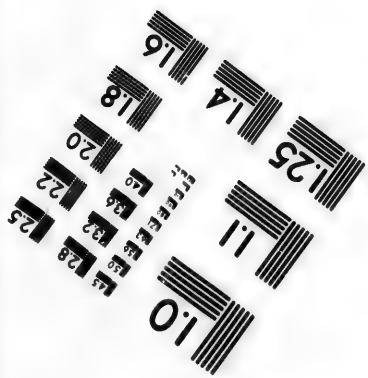

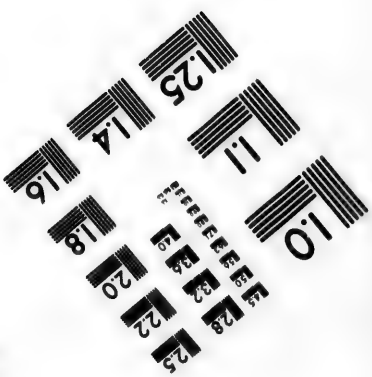

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the Christian, that morality is wielding yearly a more enlarged and liberal influence upon the people of this confederacy. Religion is exercising its mild and gentle sway, with less of that bigotry which hitherto marked its progress. Charity is extended to foreigners with a liberal hand, while the poor and degraded are snatched from the haunts of wretchedness and vice, where crime has not inclosed them too closely in its folds. Religious fanaticism does not rage with the same violence as formerly, and therefore possesses more of that spirit which was inculcated by our Saviour. Many new sects are springing up, but their secession is not visited with that unforgiving spirit which punished freedom of opinion in former days. As they serve to prevent a concentration of power in one church, which during its early history proved not only quite inconvenient, but oftentimes dangerous, they are to be encouraged, rather than condemned. There is a political fanaticism, however, which has increased in violence within the last few years, to an alarming degree. The danger to be apprehended from that kind of zeal, which borders upon frenzy, is, that its efforts are uncontrolled by a proper regard for the difficulties it seeks to overcome. When passion, instead of reason guides its career, a due respect is not paid to the Constitution and the laws.*

* "All this is just and sound. But assuming the same premises, to wit, that all men are equal by the law of nations, the right of property in slaves falls to the ground, for one who is equal to another cannot be the owner or property of that other. But you answer that the Constitution recognizes property in slaves. It would be sufficient then to reply, that this constitutional recognition must be void, because it is repugnant to the

The abolition excitement is produced by religious zealots and unscrupulous politicians. The latter make concessions to its demands, for the purpose of obtaining place and power. Its decrees are promulgated from the pulpit and the hustings, with an ardor equal to that which prompted the crusaders to drive the infidel from the Holy Land. Where it will terminate no one can tell, unless all who respect the guaranties of the Constitution arrest its progress.

If the zeal which is now employed upon distant objects, was directed with as much fervor to the relief of suffering at our doors, our *motives* would not so often be subject to a just criticism.

The overthrow of the popular cause in Hungary and Italy has, for a period, destroyed the hopes of republicanism in that portion of the world. France may stay the tide of absolutism, on the one hand, and socialism, on the other; and, emerging from the difficulties which assail her from without and within, *yet* illustrate the principles of free government.

Upon the soil of Europe all is uncertainty; the spark of liberty which still lingers may light up into a blaze, and spread from land to land, until despotism and misrule shall nowhere find a spot to exercise its ruthless sway; or it may go out, leaving continental Europe surrounded with the darkness of the middle ages.

But *here* no such doubt and uncertainty exists. That Constitution which was framed by the wisdom

law of nature and of nations." "But there is a higher law than the Constitution which regulates our authority over the domain, and devotes it to the same noble purposes."—*Speech of Mr. H. Seward, U. S. Senate, March, 1850.*

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of those who passed through the fiery ordeal of the Revolution, stands the test of scrutiny and of time. Every assault which faction makes against it only has the effect of eliciting the veneration and regard entertained for its provisions by the American people. And wherefore should it not be so? The basis of that Constitution is the immutable principles of justice and truth. It guaranties the largest liberty to the citizen consistent with a well-ordered and well-regulated society. We choose our own public servants, who are accountable to us for their actions. All grievances can be redressed at the ballot-box. The private citizen, unawed by power, and uncontrolled by a superior, possesses all the attributes and privileges of a freeman.

We have a country of vast and illimitable resources, possessing every variety of soil and climate which the heart can desire; while national justice, unmingled with pride, will enable us to say that no country is blessed with inhabitants so gallant, patriotic, enterprising, scientific, and moral, as those within the borders of the American Union.

Here the husband is not torn from the bosom of his family, reluctantly to fight a tyrant's battles; but at the call of his country, when her honor is assailed, he *volunteers* to redress her wrongs. Conscious of possessing the power of a slumbering giant, there is no manifestation of constant alarm indicated by the existence of large standing armies. On the contrary, unawed by the formidable array presented by foreign powers, our citizens peacefully pursue their moral avocations, confident in their ability to

repel every aggression upon their rights, and to preserve unsullied the national honor.

With all these elements of domestic happiness and national greatness, where is the cause for discontent? If we were disposed to appreciate the blessings which we enjoy, instead of seeking some imaginary evil as a source of dissatisfaction, it would be far more conducive to our happiness. We should not for a moment forget that we have the most perfect form of government ever devised by the wit of man. This idea should daily be a subject of rejoicing. We should then be prepared to estimate the horrors of a dissolution of the Union. That terrible event should not for a moment be entertained; and the monster who could have the hardihood to *propose* an encroachment upon the Constitution, or resist its requirements, should be held up to the unmitigated scorn and contempt of every patriot in the land; and whoever *attempts* the treason should be made a fearful example to all who would shun the traitor's doom.

While the mind dwells upon the eventful administration of James K. Polk, the Mexican war and its consequences at once arrest attention. The renown of the American arms has spread abroad, until it is heralded in every part of the earth, and reechoed in each isle of the ocean. Buena Vista and Molino del Rey, Vera Cruz and the Garitas of Mexico, will long be remembered by the civilized world.

The territory which we obtained from Mexico will yield us illimitable resources. The frowning barriers of the Rocky Mountains afford no obsta-

cles to our enterprising people, who are already crowding into the valleys of California. The commerce of the United States now possesses the key which will unlock the treasures of the East; and that which raised to an extraordinary pitch of grandeur the cities of ancient times, by the uncontrollable law of destiny is turned like a glittering and golden tide into the harbors of California.

And where is that man who contributed more than all others towards producing these brilliant results? His pulseless form is mingling with the dust. The vast amount of labor which he performed while occupying the presidential chair was too much for his constitution, and he had scarcely reached his home in Tennessee when he was attacked by disease, which baffled the efforts of the most skilful physicians, and terminated his mortal career on the 15th day of June, 1849.* Posterity will pronounce his eulogium.

* "NASHVILLE, *June 16th*, 1849.

"Yesterday, at twenty minutes before five o'clock, P. M., James K. Polk expired at his residence in this city.

"Mr. Polk had suffered from diarrhœa on his way up the Mississippi River, from New Orleans, in March, but the attack passed off, and he reached this city in good health. A few days after his arrival he moved into his new mansion, a stately edifice, which had just been completed and furnished in a style of combined elegance and taste. His estate lies in the very heart of the city, on an eminence known as Grundy's Hill, having been the home of the Hon. Felix Grundy, from whose heirs Mr. Polk purchased the property.

"Having taken up his abode here, the Ex-President gave himself up to the improvement of the grounds, and was seen every day about his dwelling, aiding and directing the workmen he had employed. Now overlooking a carpenter, now giving instructions to a gardener, often attended by Mrs. Polk, whose exquisite taste constituted the element of every improvement. It is not a fortnight since that I saw him on his

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lawn directing some men who were removing decaying cedars. I was struck with his erect and healthful bearing, and the active energy of his manner, which gave promise of long life. His flowing gray locks alone made him appear beyond the middle age of life. He seemed in full health. The next day being rainy he remained within, and began to arrange his large library, and the labor of reaching books from the floor and placing them on the shelves, brought on fatigue and slight fever, which the next day assumed the character of disease in the form of chronic diarrhœa, which was with him a complaint of many years' standing, and readily induced upon his system by any over-exertion.

"For the first three days his friends felt no alarm. But the disease baffling their skill, (and for skilful physicians, Nashville will compare with the first cities in the Union,) Dr. Hay, his brother-in-law and family physician for twenty years, was sent for from Columbia. But the skill and experience of this gentleman, aided by the highest medical talent, proved of no avail. Mr. Polk continued gradually to sink from day to day. The disease was checked upon him four days before his death, but his constitution was so weakened that there did not remain recuperative energy enough in the system for healthy re-action. He sunk away so slowly and insensibly, that it was eight hours before he died, after the heavy death respirations commenced. He died without a struggle, simply ceasing to breathe, as when deep and quiet sleep falls upon a weary man.

"About half an hour preceding his death, his venerable mother, entered the room, and kneeling by his bedside, offered up a beautiful prayer to the "King of kings, and Lord of lords," committing the soul of her son to his holy keeping. The scene was strikingly impressive. Major Polk, the President's brother, was also by his bedside, with other members of the family.

"Upon the coffin was a plain silver plate, with these words:—

"J. K. POLK,
"BORN NOVEMBER, 1795,
"DIED JUNE 15, 1849.

"The body lies in state to-day. The noble drawing-rooms are shrouded in black, and every window in morning with black scarfs of crape. The tall white columns of the majestic portico facing the south, are completely shrouded in black, giving a solemnly majestic and funeral aspect to the Presidential mansion.

"The funeral took place at four o'clock this afternoon, masonic ceremonies being first performed in the drawing-room over the body. I saw the body before it was encoffined. The features are in noble composure.

Death has impressed upon them the seal of majesty. In his life his features never wore that impress of command and intellectual strength that seemed now chiselled upon their marble outline. He was habited in a plain suit of black, and a copy of the Constitution of the United States was placed at his feet. Before being taken to the cemetery, the body was hermetically soldered within a copper coffin.

"From the house the funeral cortege, which was very large, all places of business being closed by order of our good whig mayor, proceeded to the Methodist Episcopal Church, where, after services performed by the Rev. Mr. McFerren, it was conveyed to the cemetery, followed by a vast concourse of citizens. The body was deposited in the Grundy vault, temporarily; but it will soon be removed to a vault on the lawn of the Ex-Presidential mansion, where a willow now stands, and over it will be erected a stately marble mausoleum: thus the body of the President from Tennessee will lie entombed in the heart of its capital. Mr. Polk, by will, the evening before his death, gave the lawn to the State, in perpetuity, for this purpose.

"Mr. Polk sent for the Rev. Dr. Edgar, of the Presbyterian church, seven days before his death, desiring to be baptized by him. He said to him impressively:—

"'Sir, if I had suspected twenty years ago that I should come to my death-bed *unprepared*, it would have made me a wretched man; yet I am about to die, and have not made preparation. I have not even been baptized. Tell me, sir, can there be any ground for a man thus situated to hope?'

"The Rev. Doctor made known to him the assurances and promises of the gospel that mercifully run parallel with man's life.

"Mr. Polk then remarked that he had been prevented from baptism in infancy by some accidental occurrence, that he had been several times strongly inclined to be baptized during his administration, but that the cares and perplexities of public life hardly gave him time for the solemn preparation requisite, and so procrastination had ripened into inaction, when it was now almost too late to act. In his conversation with the Rev. clergyman, Mr. Polk evinced great knowledge of the Scriptures, which, he said, he had read a great deal, and deeply reverenced as divine truth; in a word, he was theoretically a Christian.

"The conversation fatiguing Mr. Polk too much for him to be then baptized, it was postponed, to take place the next evening; but in the interval the Ex-President recollected that when he was Governor, and lived here, he used to hold many arguments with the Rev. Mr. McFerren, the talented and popular Methodist minister of the place, his warm personal and political friend, and that he had promised him that when he did embrace Christianity, that he, the Rev. Mr. McFerren, should baptize him.

He, therefore, sent for the Rev. Dr. Edgar, made known this obligation, and expressed his intention to be baptized by his friend the Methodist minister. The same day the venerable Mrs. Polk, mother of the Ex-President, a very pious Presbyterian lady, arrived from her residence, forty miles distant, accompanied by her own pastor, hoping that her distinguished son would consent to be baptized by him.

"'Mother,' said the dying Ex-President, taking her affectionately by the hand, 'I have never in my life disobeyed you, but you must yield to your son now, and gratify my wishes. I must be baptized by the Rev. Mr. McFerren.'

"His mother, wise as she is pious, did not hesitate to give her consent; and in the presence of the Rev. Dr. Edgar, and the Rev. Mr. Mack, of Columbia, the Ex-President received the rite of baptism at the hands of the Rev. Mr. McFerren.

"Mr. Polk has died worth about one hundred thousand dollars, the bulk of which is settled upon his amiable lady; who, it is to be hoped, will long make this city her abode—an ornament to its society, for 'all lips do praise her.'

"P. S.—I have sent you a rude, but accurate sketch of the mansion of the Ex-President, as draped with mourning on the day of the funeral. The window blinds are tied with black crape, in, however, handsomer bows than my pen has achieved."—*Correspondence of the New-York Herald.*

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APPENDIX.

GENERAL SCOTT TO THE SECRETARY OF WAR.

MEXICO, *February* 24, 1848.

SIR: On the 18th instant, I received your two letters, of the 13th ultimo, and immediately issued the general order, No. 59, (a copy inclosed,) devolving the command of the army in Mexico upon Major General Butler.

As the officers detailed for the court of inquiry before which I am ordered to appear as a criminal, are not known to have arrived in the country, I avail myself of a moment's leisure to recall some of the neglects, disappointments, injuries and rebukes, which have been inflicted upon me by the War Department, since my departure from Washington, November 23, 1846.

To me, the business of recrimination, however provoked, has ever been painful. In this summary I shall, therefore, indulge in no wantonness of language, but confine myself to naked historical facts, leaving conclusions to men of sense and candor.

In the hurry of preparation for Mexico, (only four days were allowed me at Washington—when twenty might have been most advantageously employed in t' e great bureaux—those of the chief engineer's, chief of ordnance, chief quartermaster's and chief commissary of subsistence,) I handed to you a written request that one of three of our accomplished captains, therein mentioned, might be appointed assistant adjutant general, with the rank of major, for duty with me in the field, and there *was* a vacancy, at the time, for one. My request has never been attended to, and thus I have had no officer of the adjutant general's department with me in the campaign. Can another instance be cited of denying [illegible] general-in-chief, in the field, at the head of a large army, or even a small one, the selection of his chief of the staff—that is, the chief in the department of orders and correspondence?

Early in the following January, I asked that a general court-martial

might be appointed on the part of the President, for the trial of two officers (named by me), for conduct each had committed, that endangered, in a high degree, the success of impending campaign; and I specially referred to the anomalous and fatal act of Congress, (May 29, 1830,) which prohibited me, as the "accuser or prosecutor," from ordering the court for the trial of the cases. My application has never been noticed. This neglect alone ought early to have admonished me that I had no hope of support at Washington, in any attempt I might make (against *certain* officers) to maintain necessary discipline in the army I was about to lead into the field.

I left Washington highly flattered with the confidence and kindness the President had just shown me, in many long personal interviews on military matters. For more than two months my expressions of gratitude were daily and fervent, nor were they much less emphatic towards the head of the War Department. Proceeding with zeal and confidence in my most hazardous duties, I learned, January 27, at the Brazos San Jago, that an attempt was on foot to create a lieutenant general to take command in the field over me. Shocked and distressed, I allowed of no relaxation in my efforts to serve my country, resolved that, for the short time I was likely to remain in commission, to be

> "True as the dial to the sun,
> Although it be not *shined* upon.'

A yet greater outrage soon followed: failing to obtain an act for the *citizen* lieutenant general, a bill was pressed upon Congress to authorize the placing a *junior* major general, just appointed, (the same individual,) in command over all the old major generals then in front of the enemy!

I will not here trust myself to add a soldier's comment upon those attempts, but I may thank God that He did not allow them, or subsequent injuries, to break down, entirely, the spirit and abilities (such as they are) with which He has endowed me.

Foreseeing at Washington that, from the great demands of commerce at the moment, it would be difficult, if not impossible, to take up, perhaps at any price, a sufficient number of vessels at New-Orleans and Mobile to transport the regiments of my expedition from the Rio Grande frontier to Vera Cruz, I endeavored to impress upon the War Department the necessity of sending out from the northern and eastern ports a certain number of large ships in ballast, in order that the expedition might not be delayed, and in view of "the fixed fact," the return of the *vomito*, at Vera Cruz in the spring of the year, a delay of a few weeks was likely to prove a total defeat.

In a paper transmitted to me, headed "Memorandum for the Quartermaster General," marked "War Department, December 15, 1846," and

signed by the secretary, which I received January 8, it is said: "Independently of this number of transports for troops and ordnance stores, [from the north] there will be required, say, five ships for the transportation of the [surf] boats now being prepared, besides which, *ten* vessels must be taken up and sent out in ballast, [for troops,] unless stores can be put on board, to make up the number (40) required by the commanding general."

The date of this memorandum is December 15, more than three weeks after my requisition and departure from Washington. Of not one of the "ten vessels," in ballast, or with stores, (leaving room for troops,) have I heard up to this day. Relying upon them, confidently, the embarkation was delayed in whole or in part, at the Brazos and Tampico, from the 15th of January to the 9th of March, leaving, it was feared, not half the time needed for the reduction of Vera Cruz and its castle before the return of the yellow fever. But half the surf boats came at all, and of the siege train and ordnance stores, only about one-half had arrived when the Mexican flags were replaced by those of the United States on those formidable places. We succeeded at last in reaching the point of attack, in the midst of frightful *northers*, by means, in great part of trading craft, small and hazardous, picked up accidentally at the Brazos and Tampico, and when the army got ashore, its science and valor had to supply all deficiencies in heavy guns, mortars, and ordnance stores.

The first letter that I received from the department, after entering the captured city, contained an elaborate rebuke, (dated February 22,) for having ordered Colonel Harney, 2d dragoons, to remain in the command of the cavalry with Major General Taylor, so as to leave Major Sumner, of the same regiment, the senior of that arm, in my expedition. There was no great difference in the number of cavalry companies with the armies.

This rebuke was written with a complacency that argued the highest professional experience in such matters, and could not have been more confident in its tone if dictated to the greenest general of the recent appointments. Yet, without the power of selecting commanders of particular corps, no general-in-chief would venture to take upon himself the conduct of a critical campaign. Such selections were always made by the father of his country, and the principal generals under him. So in the campaign of 1814, I myself sent away, against their wishes, three senior field officers, of as many regiments, who were infirm, uninstructed, and inefficient, in favor of three juniors, and with the subsequent approbation of Major General Brown, on his joining me, and the head of the War Department. Both were well acquainted with the customs of war, in like cases, at home and abroad; and without that energy on my part, it is highly probable that no American citizen would ever have cited the battles of the Niagara without a sigh for his country. I am happy, however, that before a word had been received from the department, and indeed be-

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fore it could have had any knowledge of the question, I had decided to take with me the frank and gallant colonel, and hope soon to learn that he and very many other officers have been rewarded with brevets for their highly distinguished services in the campaign that followed.

It was in reference to the same rebuke that, in acknowledging your communication, I said, from Vera Cruz, April 5, "I might very well controvert the military principles so confidently laid down by the department, [in the letter of the 22d February,] but believing that the practice of the United States army, in the two wars with Great Britain, would have no weight *in the particular case*, I waive further reply; having, at the moment, no leisure and no inclination for controversy."

Alluding to the heavy disappointments, in respect to transports, siege train, and ordnance stores, then already experienced, I wrote to the department from Lobos, February 28: "Perhaps no expedition was ever so unaccountably delayed—by no want of foresight, arrangement, or energy on my part, as I dare affirm—and under circumstances the most critical to this entire army; for every body relied upon and knew, from the first, as well as I knew, it would be fatal to us to attempt military operations on this coast after, probably, the first week in April; and here we are at the end of February. Nevertheless this army is *in heart*; and crippled as I am in the means required and *promised*, I shall go forward, and expect to take Vera Cruz and its castle in time to escape, by pursuing the enemy, the pestilence of the coast."

The city and castle were captured March 29, and, with about one-fourth of the necessary means for a road train, (no fault of mine,) the *retreat*, in pursuit of the enemy, was vigorously commenced April 8. The battle of Cerro Gordo soon followed, and we occupied Jalapa and Perote, where we were obliged to wait for supplies from Vera Cruz. In those positions I was made to writhe under another cruel disappointment.

In my four memorials, to the department, on the further prosecution of the war against Mexico, written at Washington, and dated, respectively, October 27, November 12, 16, and 21, (it was only intimated to me in the night of November 18, that I might prepare myself for the field,) papers in which I demonstrated that Vera Cruz was the true base of operations, and that the enemy's capital could not, probably, be reached from the Rio Grande, I estimated that after taking that great seaport, "*about* 20,000 men," or "an army of more than 20,000 men may be needed; 1. To beat, in the field and in passes, any accumulated force in the way; 2. To garrison many important points in the rear, to secure a free communication with Vera Cruz; and 3. To make distant detachments, in order to gather in, without long halts, necessary subsistence." And that force, I supposed, including volunteers, and aided by land and money bounties, might be raised in time by adding ten or twelve *new* regiments of regulars, and filling up the ranks of the *old*.

A bill was introduced for raising ten additional regular regiments, and I certainly do not mean to charge the department with the whole delay in passing the bill through Congress. But it *was* passed, February 11, 1847, and under it, by early in April, some few thousand men had been already raised and organized. My distress may be conceived, by any soldier, on learning at Jalapa, April 27th, that the whole of that force had been sent, under Brigadier Cadwalader, to the Rio Grande frontier.

In my letter to the department, written the day after, I said, I had expected that "detachments of the new regiments, would, as you had promised me, begin to arrive in this month, and continue to follow perhaps in June." "How many (volunteers) will re-engage under the act approved March 3, (only received two days ago,) I know not; probably but few. Hence, the greater my disappointment caused by sending the new troops to the Rio Grande; for, besides their keeping the road in our present rear open for many weeks, by marches in successive detachments, I had intended, as I advanced, to leave strong garrisons in this place, [Jalapa,] in Perote, and Puebla, and to keep at the head of the movement, a force equal to any probable opposition. It may now depend on the number of the old volunteers who may re-engage, and the number of new troops that may arrive from the Brazos in time; as also, in some degree, upon the advance of Major General Taylor, whether I shall find this army in strength to leave the garrisons and to occupy the capital."

I may add, that only about fifty individuals of the old volunteers re-engaged under the provision of the act of March 3; that the remainder were discharged May 4; that Major General Taylor made no movement in advance of Saltillo, and that the new regulars, including Cadwalader's brigade, only began to come up with me, at Puebla, in July, but not in sufficient numbers till August 6. The next day the army commenced its advance upon the capital with a little more than 10,000 effective men.

It is not extravagant to say that, if Brigadier General Cadwalader's forces had not been diverted from me, to the Rio Grande, where he was made to lose, without any benefit to Major General Taylor, much precious time, I might easily have taken this city in the month of June, and at one-fifth of the loss sustained in August and September. The enemy availed himself of my forced delay, at Puebla, to collect, to treble, to organize and discipline his forces, as also to erect numerous and powerful defences with batteries. Nearly all those extraordinary preparations, for our reception, were made after the middle of June. And it is known that the news of the victory of Buena Vista reached Washington in time to countermand Cadwalader's orders for the Rio Grande, before his departure from New-Orleans. Two rifle companies with him received the countermand there and joined me early.

I know that I had the misfortune to give offence to the department by

expressing myself to the same effect, from Jalapa, May 6. In a report of that date, I said:

"The subject of that order (No. 135—old volunteers) has given me long and deep solicitude. To part with so large and so respectable a portion of this army in the middle of a country which, though broken in its power, is not yet disposed to sue for peace; to provide for the return home of seven regiments, from this interior position, at a time when I find it quite difficult to provide transportation and supplies for the operating forces which remain; and all this without any prospect of succor or reinforcement in, perhaps, the next seven months—beyond some 300 army recruits—present novelties utterly unknown to any invading army before. With the addition of ten or twelve thousand new levies in April and May—asked for, and, until very recently, expected—or even with the addition of two or three thousand new troops, destined for this army, but suddenly, by the orders of the War Department, diverted to the Rio Grande frontier, I might, notwithstanding the unavoidable discharge of the old volunteers—seven regiments and two independent companies—advance with confidence upon the enemy's capital. I shall, nevertheless, advance; but whether beyond Puebla, will depend on intervening information and reflection. The general panic given to the enemy at Cerro Gordo still remaining, I think it probable that we shall go to Mexico, or, if the enemy recover from that, we must renew the consternation by another blow."

Thus, like Cortez, finding myself isolated and abandoned, and again like him, always afraid that the next ship or messenger might recall or farther cripple me, I resolved no longer to depend on Vera Cruz or home, but to render my little army "*a self-sustaining machine*"—as I informed every body, including the head of the War Department—and advance to Puebla.

It was in reference to the foregoing serious causes of complaint, and others to be found in my reports at large—particularly in respect to money for the disbursing staff officers, clothing, and Mr. Trist, commissioner—that I concluded my report from Puebla, June 4, in these words:

"Considering the many cruel disappointments and mortification I have been made to feel since I left Washington, and the total want of support or sympathy on the part of the War Department, which I have so long experienced, I beg to be recalled from this army the moment it may be safe for any person to embark at Vera Cruz; which, I suppose, will be early in November. Probably all field operations will be over long before that time."

But my next report (July 25th) from Puebla has, no doubt, *in the end*, been deemed more unpardonable by the department. In that paper, after speaking of the "happy change in my relations, both official and private, with Mr. Trist," I continued:

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"Since about the 26th ultimo [June], our intercourse has been frequent and cordial, and I found him [Mr. T.] able, discreet, courteous, and amiable. At home it so chanced that we had had but the slightest possible acquaintance with each other. Hence, more or less of reciprocal prejudice, and of the existence of his feelings towards me, I knew (by private letters), *before* we met, that at least a part of the cabinet had a full intimation.

"Still, the pronounced misunderstanding between Mr. Trist and myself could not have occurred, but for other circumstances: 1. His being obliged to send forward your letter of April 14th, instead of delivering it in person, with the explanatory papers which he desired to communicate. 2. His bad health in May and June, which, I am happy to say, has now become good; and 3. The extreme mystification into which your letter—and particularly an interlineation—unavoidably threw me.

"So far as I am concerned, I am perfectly willing that all I have heretofore written to the department about Mr. Trist should be suppressed. I make this declaration as due to my present esteem for that gentleman; but ask no favor, and desire none, at the hands of the department. Justice to myself, however tardy, I shall take care to have done. * * *

"I do not acknowledge the justice of either of your rebukes contained in the letter of May 31, [in relation to Mr. Trist and the prisoners at Cerro Gordo,] and that I do not here triumphantly vindicate myself, is not from the want of will, means, or ability, *but time.*

"The first letter (dated February 22) received from you at Vera Cruz, contained a censure, and I am now rebuked for the unavoidable—nay, wise, if it had not been unavoidable—release on parole of the prisoners taken at Cerro Gordo; even before one word of commendation from government has reached this army on account of its gallant conduct in the capture of those prisoners. [No such commendation has yet been received, February, 1848.] So, in regular progression, I may—should the same army gallantly bear me into the city of Mexico, in the next six or seven weeks, which is probable, if we are not arrested by a peace or a truce—look to be dismissed from the service of my country! You will perceive that I am aware (as I have long been) of the dangers which hang over me at home; but I, too, am a citizen of the United States, and well know the obligations imposed, under all circumstances, by an enlightened patriotism.

"In respect to money, I beg again to report that the chief commissary (Captain Grayson) of this army has not received a dollar from the United States since we landed at Vera Cruz, March 9. He now owes more than $200,000, and is obliged to purchase, on credit, at great disadvantages. The chief quartermaster (Captain Irwin) has received perhaps $60,000, and labors under like incumbrances. Both have sold drafts to small

amounts, and borrowed largely of the pay department, which has received about half the money estimated for. Consequently the troops have some four months' pay due them. Our poverty, or the neglect of the disbursing departments at home, has been made known, to our shame, in the papers of the capital here, through a letter from Lieutenant Colonel Hunt, that was found on the person of the special messenger from Washington.

"The army is also suffering greatly from the want of necessary clothing, including blankets and great-coats. The new troops, (those who have last arrived,) as destitute as the others, were first told that they would find abundant supplies at New-Orleans; next, at Vera Cruz, and finally here; whereas, we now have, perhaps, a thousand hands engaged in making shoes and (out of bad materials and at high cost) pantaloons. These articles, about 3,000 pairs of each, are absolutely necessary to cover the nakedness of the troops.

"February 28th, off Lobos, I wrote to Brigadier General Brooke, to direct the quartermaster at New-Orleans to send me large supplies of clothing. March 16 and 23, General Brooke replied that the quartermaster at New-Orleans, had 'neither clothing nor shoes,' and that he was 'fearful that unless they have been sent out to you direct, you will be much disappointed.'

"Some small quantity of clothing, perhaps one-fifth of our wants, came to Vera Cruz, from some quarter, and followed us to Jalapa and this place."

I must here specially remark, that this report, No. 30, though forwarded the night of its date (July 25), seems to have been miscarried. Perceiving, about November 27, that it was not acknowledged by the department, I caused a duplicate to be made, signed it and sent it off by the same conveyance with my dispatch No. 36, and the charges against Brevet Major General Worth, Major General Pillow, and Brevet Lieutenant Colonel Duncan, together with the appeal against me, of the former. All these papers are acknowledged by the department in the same letter, January 13, that recalls me.

It was that budget of papers that caused the blow of power, so long suspended, to fall on a devoted head. The three arrested officers, and he who had endeavored to enforce a necessary discipline against them, are all to be placed together before the same court. The innocent and the guilty, the accuser and the accused, the judge and his prisoners, are dealt with alike. Most impartial justice! But there is a discrimination with a vengeance! While the parties are on trial—if the appealer is to be tried at all, which seems doubtful—two are restored to their corps—one of them with his brevet rank, and I am deprived of my command. There can be but one step more in the same direction; throw the rules and articles of war into the fire, and leave all ranks in the army free to engage in denuncia-

tions, and a general scramble for precedence, authority, and executive favor. The *pronunciamento*, on the part of my factious juniors, is most triumphant.

My recall—under the circumstances a severe punishment *before* trial, but to be followed by a trial here that may run into the autumn, and on matters I am but partially permitted to know by the department and my accusers—is very ingeniously placed on two *grounds*: 1. My own request, meaning that of June 4, (quoted above, and there was no other before the department,) which had been previously (July 12) acknowledged and rebukingly declined. 2. The arrest of Brevet Major General Worth, for writing to the department, "under the pretext and form of an appeal," an open letter, to be sent through me, in which I was grossly and falsely accused of "malice" and "conduct unbecoming an officer and gentleman," in the matter of the general order, No. 349, on the subject of puffing letters for the newspapers at home.

On that second point, the letter from the department of January 13 is more than ingenious; it is elaborate, subtle, and *profound*; a professional dissertation, with the rare merit of teaching *principles*, until now wholly unknown to military codes and treatises, and of *course* to all mere soldiers, however great their experience in the field.

I have not, in this place, time to do more than hint at the fatal consequences of the novel doctrine in question. According to the department, any factious junior may, at his pleasure, in the midst of the enemy, using "the pretext and form of an appeal" against his commander, insult and outrage him to the grossest extent, though he be the general-in-chief, and charged with the conduct of the most critical *operations*, and that commander may not arrest the incipient mutineer until he shall have first laid down his own authority, and submitted *himself* to a trial, or wait, at least, until a distant period of leisure for a judicial examination of the appeal! And this is precisely the case under consideration. The department, in its eagerness to condemn me, could not take time to learn of the experienced that the general-in-chief who once submits to an outrage from a junior, must lay his account to suffer the like from all the vicious under him; at least, down to a rank that may be supposed without influence in high quarters *beyond* the army. But this would not be the whole mischief to the public service. Even the great mass of the spirited, intelligent, and well affected, among his brothers in arms, would soon reduce such commander to utter imbecility, by holding him in just scorn and contempt for his recreancy to himself and country. *And are discipline and efficiency of no value in the field?*

But it was not my request of June 4, nor report No. 30 (of July 25), so largely quoted from above, nor yet the appeal of one *pronunciado*, that has at length brought down upon me this visitation, so clearly pre-

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dicted. That appeal, no doubt, had its *merits*, considering it came from an erratic brother—a deserter from the other extreme—who, having just made his peace with *the true faith*, was bound to signalize apostasy by acceptable denunciations of one for whom, up to Vera Cruz, he had professed (and not without cause) the highest obligations. (It was there he learned from me that I was doomed at Washington, and straightway the apostate began to seek, through a quarrel, the means of turning that knowledge to his own benefit.) No, there was (recently) still another element associated in the work, kept, as far as practicable, out of the letter of recall; an influence proceeding from the other arrested general, who is quite willing that it should be generally understood (and who shall gainsay his significant acquiescence?) that all rewards and punishments in this army were, from the first, to follow his recommendations. This the more powerful of the *pronunciados* against No. 349 well knew, at the time, as I soon knew that he was justly obnoxious not only to the animadversions of that order, but to other censures of yet a much graver character.

In respect to this general, the letter of recall observes, parenthetically, but with an acumen worthy of more than "a hasty" notice, that some of my specifications of his misconduct "are hardly consistent with your [my] official reports and commendations."

Seemingly this is a most just rebuke. But, waiting for the trials, I will here briefly state, that unfortunately I followed that general's own reports, written and oral; that my confidence lent him in advance, had been but very slightly shaken as early as the first week in October; that up to that time, from our entrance into this city, I had been at the desk, shut out from personal intercourse with my brother officers, and that it was not till after that confinement that facts, conduct, and motives, began to pour in upon me.

A word as to the 5th article of war. I can truly say that in this and other communications, I have not designed the slightest disrespect to the Commander-in-chief of the army and navy of the United States. No doubt he, like myself and all others, may fall into mistakes as to particular men; and I cannot, having myself been behind the curtain, admit the legal fiction that *all* acts of a secretary are the acts of the President. Yet, in my defensive statements, I have offered no wanton discourtesy to the head of the War Department, although that functionary is not in the enumeration of the above-mentioned article.

Closing my correspondence with the department until after the approaching trial,

I have the honor to remain, respectfully, your most obedient servant,

WINFIELD SCOTT.

Hon. SECRETARY OF WAR.

THE SECRETARY OF WAR TO GENERAL SCOTT.

WAR DEPARTMENT,
Washington, April 21, 1848.

SIR: It would not be respectful to you to pass unnoticed your extraordinary letter of the 24th of February, nor just to myself to permit it to remain unanswered on the files of this department.

To attempt to dispel the delusions which you seem to have long pertinaciously cherished, and to correct the errors into which you have fallen, devolves upon me a duty which I must not decline; but in performing it I mean to be as cautious as you profess to have been, to abstain from any "wanton discourtesy," and I hope to be alike successful. Your prudent respect for the "5th article of war," has induced you to hold me ostensibly responsible for many things which, you are aware, are not fairly chargeable to me. The device you have adopted to assail the President, by aiming your blows at the Secretary of War, does more credit to your ingenuity as an accuser, than to your character as a soldier. A premeditated contrivance to avoid responsibility does not indicate an intention not to do wrong.

The general aspect of your letter discloses an evident design to create a belief that you were drawn forth from your quiet position in a bureau of this department, and assigned to the command of our armies in Mexico, for the purpose of being sacrificed; and that, to accomplish this end, "neglects, disappointments, injuries, and rebukes" were "inflicted" on you, and the necessary means of prosecuting the war with success withheld; or, in other words, that the Government, after preferring you to any other of the gallant generals within the range of its choice, had labored to frustrate its own plans, to bring defeat upon its own armies, and involve itself in ruin and disgrace, for an object so unimportant in its bearing upon public affairs. A charge so entirely preposterous, so utterly repugnant to all the probabilities of human conduct, calls for no refutation.

For other purposes than to combat this fondly cherished chimera, it is proper that I should notice some of your specific allegations.

It is true that, after you were designated for the chief command of our armies, the President was desirous that your departure should not be unnecessarily delayed, but you were not restricted, as you allege, to "only four days," to make the necessary preparations at Washington. You were not ordered away until you had reported that these preparations were so far completed that your presence here was no longer required. Then, instead of going directly to Mexico, you were permitted, at your own request, to take a circuitous route through New-York, and there to remain a few days. You staid at New-York nearly an entire week; and not until

the 19th of December (twenty-six days after leaving Washington), did you reach New-Orleans, where you would have arrived in seven days, if you had been required to take the direct route. This solicited indulgence, by which your arrival at New-Orleans was delayed nearly three weeks, is incompatible with your allegation that you were allowed "only four days at Washington, where twenty might have been most advantageously employed." This complaint has relation to facts within your own knowledge; error, therefore, is hardly reconcileable with any solicitude to be accurate. As this is your opening charge against the War Department, and may be regarded as indicative of those which follow, I shall make the refutation of it still more complete, for the purpose of showing with what recklessness you have performed the functions of an accuser, and how little reliance, in the present state of your feelings, can be placed on your memory. You are the witness by whom your allegation is to be disproved. On the day of your departure from Washington, you left with me a paper *in your own handwriting*, dated November 23d, 1846, with the following heading: "Notes, suggesting topics to be embraced in the Secretary's instructions to General S., drawn up (in haste) at the request of the former." From that paper I extract the following paragraph:

"I [the Secretary of War] am pleased to learn from you [General Scott] that you have, in a very few days, already, through the general staff of the army here, laid a sufficient basis for the purposes with which you are charged, and that *you now think it best to proceed at once to the southwest*, in order to organize the largest number of troops that can be obtained in time for that most important expedition"—the expedition against Vera Cruz. Here is your own most explicit admission that you represented to the Secretary of War, before leaving Washington, that arrangements were so far completed, that *you thought it best to proceed at once* to the army in Mexico, and yet you make it your opening charge against the department, that you were forced away to Mexico before you had time for necessary preparations.

I present the next charge in your own language: "I handed to you a written request that one of three of our accomplished captains, therein named, might be appointed assistant adjutant general, with the rank of Major, for duty with me in the field, and there was a vacancy, at the time, for one. My request has never been attended to; and thus I have had no officer of the adjutant general's department with me in the campaign. Can another instance be cited of denying to a general-in-chief, in the field, at the head of a large army, or even a small one, the selection of his chief of the staff—that is, the chief in the department of orders and correspondence?"

Were the case precisely as you have stated it to be, you have given too much prominence, as a matter of complaint, to the President's refusal

to be controlled in the exercise of the appointing power by your wishes. Had there been a vacancy, such as you mention, for one of the "accomplished captains" you named, no one knows better than you do that your request could not have been acceded to, without departing from the uniform rule of selection for staff appointments—without violating the rights of several officers to regular promotion, and offering an indignity to all those who held the position of assistant adjutants general with the rank of captain. The rule of regular promotion in the staff is as inflexible, and has been as uniformly observed, as that in the line. It must appear surprising that you, who were so deeply "shocked and distressed" at the suggestion of appointing, by authority of Congress, a "*citizen* lieutenant general," or vesting the President with power to devolve the command of the army on a major general, without regard to priority in the date of his commission, should, in your first request after being assigned to command, ask the President to disregard the rights of, at least, four officers, as meritorious as the "three accomplished captains" named by you. The President's views on this subject undoubtedly differ from yours. His regard for the rights of officers is not graduated by their rank. Those of captains and major generals have equal value in his estimation, and an equal claim to his respect and protection. I cannot admit that it is a just ground of censure and rebuke against the "head of the War Department," that the President did not see fit, in order to gratify your feelings of favoritism, to disregard the claims, and violate the rights, of all the assistant adjutants general of the rank of captain then in commission.

But, so far as it is made a ground of complaint and reproof, this is not the worst aspect of the case. You are entirely mistaken in the assertion that there was then a vacancy in the adjutant general's staff, with the rank of major, to which either of the captains recommended by you could have been properly appointed. There was no such vacancy. To show the correctness of this statement, and to demonstrate your error, I appeal to the army register and the records of the adjutant general's office. Your mistake as to an obvious fact, lying within the range of matters with which you are presumed to be familiar, has excited less surprise than the declaration that, by the non-compliance with your request, you "have had no officer of the adjutant general's department with me [you] in the campaign." Every officer of that department, at least eight, were, as you well knew, subject to your command. When you arrived in Mexico, there were with the army at least five assistant adjutants general, all at your service. That you chose to employ none of them at your head-quarters, and detached from other appropriate duties an officer to act as an assistant adjutant general, may well be regarded as a slight to the whole of that staff then with you in Mexico, and a cause of complaint; but certainly not a complaint to emanate from you against the War Department. Willing

as I am to presume, though unable to conceive, that circumstances justified you in passing over all the assistant adjutants general then with the army, and in selecting an officer of the line to perform the duties of adjutant general at your head-quarters, I was much surprised to learn from you that, when General Worth sent to you one of these "accomplished captains," the first on your list, under the belief that you desired his services as an acting assistant adjutant general, you declined to employ him in that capacity; and I am still more surprised to perceive that you have made it a distinct ground of charge in your arraignment of the War Department, that you were not permitted to have him as an assistant adjutant general at your head-quarters. Had you selected him instead of another, as you might have done, you would have been bereft of all pretext for complaint. Though there was no vacancy in the adjutant general's staff of the grade of major, for which only you recommended the "accomplished captains," and to which only they were properly eligible, there was a vacancy in it of the rank of captain. For this position you recommended an officer in General Wool's staff, then on the Chihuahua expedition. This officer was subsequently appointed assistant adjutant general, with the rank of captain, as you desired, and has ever since been at the head-quarters of that general. Thus it will be perceived that your request, so far as it was proper and reasonable, was actually complied with.

The next specification in the catalogue of charges preferrred against me is, that a court-martial was not instituted by the President for the trial or General Marshall and Captain Montgomery on your charges against them. The offences imputed to them were certainly not of an aggravated character. The one, as was alleged, had been incautious in relation to a dispatch, under circumstances that might admit of its coming to the knowledge of the enemy; and the other had not carried a dispatch with as much expedition as you thought he might have done. As one was a general officer, a court to try him must have been composed of officers of high rank. Before the order for assembling it could have reached Mexico, it was foreseen that your command would be at Vera Cruz, and probably engaged in an active siege of that city. Officers could not, therefore, have been then sent from your column to Monterey or the Rio Grande, (where the court must have been held,) without great detriment to the public service. Had you been deprived of several officers of high rank, at that critical period, by order of the President, it would have afforded a better pretence of complaint than any one in your extended catalogue. Had the court been composed of officers taken from General Taylor's command, it would have still further weakened his condition, already weak in consequence of the very large force you had withdrawn from him. Subsequent events have proved that it was most fortunate the President did not comply with your request, for had he done so, some of the officers

highest in rank and most conspicuous at Buena Vista might, at that critical juncture, have been separated from their commands and engaged on a court at a distance from that glorious scene of action. It is not fanciful to suppose that their absence might have changed the fortune of that eventful day, and that, instead of rejoicing, as we now do, in a triumphant victory, among the most brilliant in the whole course of the war, we might have had to lament a most disastrous defeat, and the almost total loss of the whole force you had left to sustain that frontier.

No man has more reason than yourself to rejoice that no order emanated from Washington, though requested by you, which would have further impaired the efficiency of General Taylor's command in the crisis that then awaited him.

My letter of the 22d of February, conveying the President's views in regard to your order depriving Colonel Harney of his appropriate command, is severely arraigned by you as offensive, both in manner and matter.

The facts in relation to this case of alleged grievance are now before the public, and a brief allusion to them will place the transaction in its true light. Under your orders Colonel Harney had brought seven companies of his regiment, the 2d dragoons, from Monterey to the Brazos, to be under your immediate command; and two others, being all of the regiment in Mexico, were expected to follow within a few days. In the midst of his high hopes and ardent desire for active service, you took from him the command of his own regiment, devolved it on one of his junior officers, and ordered him back to General Taylor's line, to look for what was not inappropriately denominated "an imaginary command." Outraged in his feelings and injured in his rights, he respectfully remonstrated; his appeal to your sense of justice was unavailing. Neither to this gallant officer, nor to the President, did you assign any sufficient or even plausible reason for this extraordinary proceeding. The whole army, I believe, and the whole country, where the transaction became known, entertained but one opinion on the subject, and that was, that you had inflicted an injury and an outrage upon a brave and meritorious officer. Such an act, almost the first on your assuming command, boded disastrous consequences to the public service, and devolved upon the President the duty of interposing to protect the injured officer. This interposition you have made a grave matter of accusation against the head of the War Department, and have characterized it as a censure and a rebuke. It may imply both, and still, being merited, may leave you without a pretence for complaint. The President, after alluding to his duty to sustain the rights of the officers under your command, as well as your own rights, informed you that he did not discover in the case, as you had presented it, sufficient cause for such an order; that, in his opinion, Colonel Harney had a just cause to complain, and that he hoped the matter had been reconsidered by you, and the colo-

nel restored to his appropriate command. Your own subsequent course in this case demonstrates the unreasonableness of your complaint, and vindicates the correctness of the President's proceedings. You had really rebuked and censured your own conduct, for even before you had received the President's views, you had, as he hoped you would, reconsidered the matter, become convinced of your error, reversed your own order, and restored Colonel Harney to his command; thus giving the strongest evidence in favor of the propriety . . correctness of all the President had done in the case. I give you too much credit for steadiness of purpose, to suspect that you retraced your steps from mere caprice, or for any other cause than a conviction that you had fallen into error. After the matter had thus terminated, it appears unaccountable to me that you, who above all others should wish it to pass into oblivion, have again called attention to it by making it an item in your arraignment of the War Department.

You struggle in vain to vindicate your course in this case, by referring to your own acts in the campaign of 1814. You then sent away, as you allege, against their wishes, "three senior field officers, of as many regiments, who were *infirm, uninstructed,* and *inefficient,* in favor of three juniors, and with the subsequent approbation of Major General Brown and the head of the War Department." This precedent does not, in my judgment change the aspect of the present case. Colonel Harney was not "infirm, uninstructed, and inefficient;" you did not assign, and in deference to the known opinion of the army and country, you did not venture to assign that reason for deposing him. I do not understand the force of your logical deduction, that, because you, on a former occasion, had deprived officers under you of their commands, for good and sufficient reasons, with subsequent approval, you may now, and at any time, do the same thing, without any reason whatever; and if the President interposes to correct the procedure, you have a just cause to complain of an indignity, and a right to arraign the War Department.

As your animadversion upon the tone of my letter is, probably, not a blow aimed at a much more conspicuous object, to be reached through me, I ought, perhaps, to pass it without notice. On revision of that letter, I cannot perceive that it is not entirely respectful in manner and language. The views of the President are therein confidently expressed, because they were confidently entertained. It seems to be admitted by you that, "if dictated to the greenest general of the recent appointments," the letter would not have been exceptionable. I was not aware that it was my duty to modify and graduate my style, so as to meet, according to your fastidious views, the various degrees of greenness and ripeness of the generals, to whom I am required to convey the orders of the President; and for any such defect in my official communications I have no apology to offer.

In the same letter, wherein you complain of being censured for your course in relation to Colonel Harney, you say, "I am now rebuked for the unavoidable—nay wise, if it had not been unavoidable—release, on parole, of the prisoners taken at Cerro Gordo—even before one word of commendation from government had reached this army, on account of its gallant conduct in the capture of those prisoners." Accident alone, not any oversight or neglect on my part, has given you the apparent advantage of the aggravation, which you have artfully thrown into this charge. My letter, commending yourself and the gallant army under your command, for the glorious achievement at Cerro Gordo, was written and sent to you on the 19th of May, eleven days before that which you are pleased to consider as containing a rebuke.

But I meet the main charge with a positive denial. You never were rebuked for discharging the prisoners taken at Cerro Gordo. This issue can be tried by the record. All that was ever said on the subject, is contained in the following extract from my letter of the 31st of May.

"Your course hitherto, in relation to prisoners of war, both men and officers, in discharging them on parole, has been liberal and kind; but whether it ought to be still longer continued, or in some respects changed, has been under the consideration of the President, and he has directed me to communicate to you his views on the subject. He is not unaware of the great embarrassment their detention, or the sending of them to the United States, would occasion; but, so far as relates to the officers, he thinks they should be detained until duly exchanged. In that case, it will probably be found expedient to send them, or most of them, to the United States. You will not, therefore, except for special reasons in particular cases, discharge the officers, who may be taken prisoners, but detain them with you, or send them to the United States, as you shall deem most expedient."

If I understand the force of terms, there is nothing in this language which, by fair interpretation, can be made to express or imply a rebuke. I cannot conceive that any mind, other than one of a diseased sensitiveness, ever anxious to discover causes for complaint and accusation, could imagine that any thing like a rebuke was contained in this extract; yet on this unsubstantial basis alone rests the charge, over and over again presented, that you were rebuked by the War Department, for discharging the prisoners captured at Cerro Gordo. If, in a case where it was so easy to be right and so difficult to get wrong, you could fall into such an obvious mistake, what may not be expected from you in other matters, where your perverted feelings have a freer and wider range?

Before considering your complaints, for not having been supplied with sufficient means for transportation for the expedition against Vera Cruz, I will notice your "four memorials" to the War Department, in which you

demonstrated, as you state, that Vera Cruz was the true basis of operations, and that the enemy's capital could not, probably, be reached from the Rio Grande.

I cannot discover the pertinency of your allusion to these four memorials, except it be to put forth a claim to the merit of originating the expedition against Vera Cruz, and of being the first to discover that the most practicable route to the city of Mexico was from that point on the Gulf; but your known abhorrence for a "pruriency of fame not earned," ought to shield you from the suspicion of such an infirmity.

I am sure you are not ignorant of the fact—but, if you are, it is nevertheless true—that the expedition against Vera Cruz had been for some time under consideration; that great pains had been taken to get information as to the defences of that city, the strength of the castle, and the difficulties which would attend the debarkation of troops; that maps had been procured and carefully examined; that persons who had resided there, and officers of the army and navy, had been consulted on the subject, and the enterprise actually resolved on before the date of your first memoir, and before you were thought of to conduct it.

As early as the 9th of July, 1846, within two months after the declaration of war, and before the main body of troops raised for its prosecution had reached the scene of operations, considerable attention had been given to that subject. On that day a letter, from this department to General Taylor, thus alludes to a movement from Vera Cruz into the interior of the enemy's country.

"If, from all the information you may communicate to the department, as well as that derived from other sources, it should appear that the difficulties and obstacles to the conducting of a campaign, from the Rio Grande, the present base of your operations, for any considerable distance into the interior of Mexico, will be very great, the department will consider whether the main invasion should not ultimately take place from some point on the coast, say *Tampico*, or some other point in the vicinity of *Vera Cruz*. This suggestion is made with a view to call your attention to it, and to obtain from you such information as you may be able to impart. Should it be determined that the main army should invade Mexico at some other point than the Rio Grande—say the vicinity of *Vera Cruz*—a large and sufficient number of transport vessels could be placed at the mouth of the Rio Grande by the time the healthy season sets in—say early in November. The main army, with all its munitions, could be transported, leaving a sufficient force behind to hold and occupy the Rio Grande, and all the towns and provinces which you may have conquered before that time. In the event of such being the plan of operations, your opinion is desired, what increased force, if any, will be required to carry it out with success. We learn that the army could be disembarked a few

miles distant from Vera Cruz, and readily invest the town in its rear, without coming within the range of the guns of the fortress of San Juan d' Ulloa. The town could be readily taken by land, while the fortress, being invested by land and sea, and all communication cut off, must soon fall. From Vera Cruz to the city of Mexico there is a fine road, upon which the diligences or stage coaches run daily. The distance from Vera Cruz to the city of Mexico is not more than one-third of that from the Rio Grande to the city of Mexico."

The subject was again brought into view on the 13th of October, in the same year, and more particularly on the 22d of October, in letters addressed to General Taylor. At the last date, the plan had been so far matured that several officers of the staff and line were indicated for that service. This was nearly a month before it was determined to employ you with the army in any part of Mexico.

It was never contemplated here to strike at the city of Mexico from the line occupied by General Taylor, or through any other, except that from Vera Cruz. If the war was to be pushed to that extent, it required no elaborate demonstration, no profound military talent, nothing more than common sagacity and very slight reflection on the subject, to see the propriety and the necessity of making Vera Cruz the base of military operations.

An alleged deficiency of means to transport the troops in the expedition to Vera Cruz seems to be most prominently presented, and most confidently relied on, to sustain your charge against the War Department for neglecting this branch of its duties. I issued, it seems to be admitted, the proper order, so far as the means of transportation were to be drawn from the north; but the allegation is that it was issued too late, and was never executed. It was issued at least four days before you arrived at New-Orleans, on your way to the army. If promptly executed, it was a reasonable calculation that the "ten vessels," alluded to in your letter, would have arrived in season to receive the troops, as soon as you could collect them from their remote and scattered positions in the interior of Mexico, bring them to the sea-coast, and prepare for their embarkation. Whether an order for ships to be sent out in ballast, issued the 15th of December, was or was not in season for the service they were designed for, depends upon the time when the expedition could be got ready to sail. To determine this, a regard must be paid to what you required to be done preparatory to the expedition, rather than what you may have said on that subject.

A reference to two or three of your requisitions will show that no rational hope could be entertained that the expedition would set forth before the middle or the last of February. You required, as one item of the outfit, one hundred and forty surf boats—all to be constructed after you left Washington. Though the department urged a less number, you in-

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sisted on all. You estimated the expense of each at $200, and thought, by putting the principal ship-yards on the Atlantic coast in requisition, they might be constructed by the first of January. To show what reliance was to be placed on your calculation, I refer to the fact, that though due regard to economy was had in procuring these boats, each cost on an average $950—nearly fivefold your estimate. Conceding that you erred much less as to the time within which they could be constructed—nay, more, admitting they could have been ready by the first of January, and sooner you did not expect they could be made—by no reasonable calculation could they have reached the coast of Mexico before the first of February. The expedition could not go forth without them. In your letter to me, dated the 28th of February, off Lobos, you state that but a small part of the transports engaged at New-Orleans, under your orders of the 28th December, had arrived, and "not *one* of the ten ordered by your memorandum of the 15th of that month, *and the whole were due at the Brazos on the 15th of January.*" Having thus shown, by your own opinion, that, under my order, "the ten vessels" ought to have been at the Brazos *at least fifteen days before the expedition could have been ready to sail*, I have vindicated myself from the charge of having neglected my duty, by not issuing that order at an earlier date. If issued earlier, it would have involved a largely increased expenditure for demurrage, and resulted in no public benefit.

But the graver part of this charge is, that none of these "ten vessels" ever arrived. "Relying," you say, in the letter now under consideration, "upon them [the ten vessels] confidently, the embarkation was delayed, in the whole, or in part, at the Brazos and Tampico, from the 15th of January to the 9th of March, leaving, it was feared, not half the time needed for the reduction of Vera Cruz and its castle, before the return of the yellow fever." To whomsoever the calamitous consequences of the non-arrival of these "ten vessels" and your "cruel disappointment" in relation to them are imputable, he has certainly involved himself in a serious responsibility. I hope to remove the whole of it from "the head of the War Department," and entertain some apprehensions that it will fall, in part, upon the commanding general of the expedition.

The execution of the most difficult branch of duties appertaining to a military expedition—providing for transportation—is by the distribution of the business of the War Department allotted to the quartermaster general. As an expedition against Vera Cruz had been resolved on some time before you were assigned to take command of it, General Jesup had gone to New-Orleans to be in the best position to make the necessary preparations for such an enterprise. From his great knowledge, and long experience in military affairs, not only in his appropriate department, but as a commander in the field, the government thought it fortunate that you could have the advice and assistance of so able a counsellor.

Your suggestion that it might be necessary to send ships in ballast from the north, for transports, was not neglected or unheeded by me. Whether it would be necessary, or not, depended, according to your statement to me, upon the means of transportation which could be procured at New-Orleans, &c. My first step was, to write to the quartermaster general, then at that place, for information on that subject. In my letter to him of 11th of December, I said: "It is expected that most of the vessels in the service of the quartermaster's department can be used as transports for the expedition. It will be necessary that the department here should know what portion of the transportation can be furnished by the ordinary means which the quartermaster's department has now under its control for the purposes of its expedition. I have to request that information on this point should be furnished without delay.

"Another point upon which the department desires information is, what amount of means of transportation, for such an expedition, can be furnished at New-Orleans, Mobile, and in that quarter.

"The expense of procuring transports from the Atlantic cities will be exorbitant. Freights are very high, and most of the good vessels are engaged for the ordinary purposes of commerce."

It is important to bear in mind that you saw this letter, on your first arrival at New-Orleans. In writing to me from that place, December 21st, you observe, "I have seen your letter (in the hands of Lieutenant Colonel Hunt) to the quartermaster general, dated the 11th." You could not mistake its object, because it was clearly expressed. I asked distinctly what means of transportations for the expedition can be furnished at New-Orleans, &c., and referred to the expense and difficulty of procuring transports from the Atlantic cities. You could not, therefore, but know that my course, as to sending ships in ballast from the north, would be regulated by the quartermaster general's reply. While waiting for this information, and in order to prevent delay, and be sure not to deserve the imputation you now cast upon me, I issued the order of the 15th of December, to which you refer, knowing that it could be modified and conformed to the exigencies of the service, according to the answer which I should receive from General Jesup. His reply is dated the 27th of December, and in it he says:

"*Transportation can be provided here for all the troops that may be drawn from the army under the command of General Taylor*, and for all the ordnance, ordnance stores, and other supplies, which may be drawn either from this depôt, [the Brazos,] or from New-Orleans. The public transports, I mean those owned by the United States, that can be spared for the contemplated operations, it is estimated, will carry three thousand men, with all their supplies. *Vessels can be chartered here, on favorable terms, for any additional transportation that may be required.*" This letter

was submitted to, and read by, you, as appears from your endorsement thereon. After referring to some other matters in the letter, you conclude your endorsement as follows: "I recommend that Brevet Major General Jesup's suggestions be adopted." This fact shows that the letter received your particular attention.

When this letter, which you knew was forwarded to the department, was here received, showing that your apprehended difficulty in obtaining sufficient transportation at the south was unfounded, and that it could be provided in that quarter in great abundance on favorable terms, my order of the 15th of December, so far, and only so far, as it related to sending our vessels in ballast, was countermanded. It is strange, indeed, that, after you were made acquainted with the object of my inquiries and General Jesup's letter in reply to them, you should have looked for transport vessels in ballast from the Atlantic cities; and, still more strange, that their non-arrival should be the proof you rely on to convict me of having neglected my duty in this instance. If, in truth, you delayed the expedition nearly two months for these transports, I am blameless; the responsibility is in another quarter. It cannot be said that this statement, as to the sufficiency of transports to be obtained at the south, had an implied reference to what I had ordered from the Atlantic cities; for my order was then unknown to yourself and the quartermaster general. You first received a copy of it several days after the date of General Jesup's letter to me, and of your endorsement thereon. [See your letter to me of the 12th of January.] Resisted, as you were, by "head winds," enveloped in "frightful northers," and oppressed with complicated and perplexing duties in arranging and preparing the expedition against Vera Cruz, some temporary bewilderment may be excused; but to charge the War Department with your own misapprehensions and mistakes is inexcusable.

My reply to your accusations forces me to expose some of your misstatements of fact. You allege that the expedition, for the want of the "ten vessels," was delayed from the *15th of January* to the 9th of March. You certainly mean to be understood that, on the 15th of January, your troops were ready to embark, and were delayed for want of these transports; but this was not so, and I am indebted to you for most abundant proof to establish your inaccuracy. The great body of your troops, for the expedition, was drawn from General Taylor's command at Monterey, and in the interior of Mexico, and no part of them had reached either the Brazos or Tampico, the points of embarkation, on the 15th of January. In your letter of the 12th of that month, to General Brooke, at New-Orleans, you said: "I have now to state that it is probable the troops I have called for from General Taylor's immediate command, to embark here [the Brazos] and at Tampico, will not reach these points till late in the present month, [January,] say about the 25th." In a letter to me, of the

26th of January, you remark that General Butler responded to your call for the troops with the utmost promptitude, and that General Worth made an admirable movement: "the head of his division arrived with him at the mouth of the Rio Grande the day before yesterday," [24th January.] When the remainder came up, is not stated; yet one of your "naked historical facts" places the whole command at the points of embarkation, waiting for the "ten vessels" at least nine days before the actual arrival of any part of them. But, if they had been there, why should they have been detained for these vessels? In the same letter, written but two days after the arrival of the head of the first division, and probably before the other troops had come up, you say: "that the quartermaster general, Brevet Major General Jesup, at New-Orleans, I find, has taken all proper measures, with judgment and promptitude, to provide every thing depending on his department for the dispatch and success of my expedition." If more was wanted, cumulative proof might be drawn from the same source —your own correspondence—to show, not only that this charge against me has no foundation in truth, but that you can have no apology for having preferred it.

After showing how unfortunate you have been in your specific charges, I may, with propriety, meet those of a general and sweeping character with a less particular detail of proofs to show their groundlessness.

Though the "ten vessels" were not, for the very sufficient reasons I have assigned, sent out in ballast from the Atlantic cities, yet a very large number were sent thence with stores, supplies, and troops to co-operate in the expedition. In General Jesup's letter to me, of the 17th instant, a copy of which is sent herewith, he states that fifty-three ships, barques, brigs, and schooners, were sent from the north, and the department actually furnished at New-Orleans, Brazos, and Tampico, for the army, before it took up the line of march into the interior, one hundred and sixty-three vessels.

I have alluded to the large number of surf-boats, and the great difficulty of procuring them, as the cause of the delay in their arrival. I have, also, a similar reason to offer in reply to your complaint for not having seasonably received the siege-train and ordnance supplies. The delay is to be ascribed to the enormously large outfit you required. If it was necessary, and dispatch was used in procuring it, no one is in fault; if too large, you certainly should not regard, as a reprehensible delay, the time necessarily taken up in preparing it. To show that it was large, and required much time to prepare it, I will select from many, a single item. You demanded from eighty to one hundred thousand ten-inch shells, and forty or fifty mortars of like calibre. This enormous quantity of shells—about four thousand tons—was mostly to be manufactured after you left Washington. All the furnaces in the country, willing to engage in the

business, were set to work; but, with the utmost diligence and dispatch, the supply of this one article, or even two-thirds of it, having to be manufactured and transported to the seaboard from the furnaces, (located, in most instances, in the interior of the country,) at a season of the year when water communications were obstructed by ice, could not be ready to be sent forward to you in many months after your departure from Washington. Had your requisitions been moderate, and, undoubtedly, more moderate ones would have sufficed, they could have been furnished at a much earlier period.

The memorandum which you left "for the siege-train and ammunition therefor," was submitted to me by the ordnance department on the 26th of November, with an intimation that it could not be complied with in season for the expedition to go forward as early as you had contemplated. I endorsed upon it, "*comply with the above as far as practicable;*" and this order, I am satisfied, after full examination, was faithfully executed.

What could be done at Washington, was done promptly. You had with you the quartermaster general, with all the means at the command of the War Department, and with unrestricted authority to do whatever you might require. He was under your supervision, and subject to your orders, able and willing to execute them; and you have never intimated that he, in any respect, failed in his duty, but on the contrary, you have spoken in highly commendatory terms of his efficient services. I have already quoted your acknowledgment that he had "taken all proper measures, with judgment and promptitude, to provide every thing depending on his department for the dispatch and success of your expedition." In an issue of fact between you and the head of the War Department, his testimony, next to your own confessions, is the best that can be offered to correct your misstatements, and to refute your charges. In his letter to me of the 2d of January, 1847, he says: "General Scott left for the interior on the 29th ultimo, and I am taking active measures to have every thing depending upon me ready for his operations. The quartermaster's department, I find, is called upon to do a great deal that should be done by other branches of the staff. So far as General Scott's operations go, I shall have every thing done that is necessary, whether it belongs to my department or to other departments to do it." You had with you, and subject to your orders, not only the quartermaster general, but officers of the other staff departments. They did not look to the War Department, but to yourself, for directions; and it was your duty, and not mine, to see that your requirements were complied with. That they were so, to the utmost practicable extent, I have no reason to doubt; but, if they were not, the fault, if any, is not with the War Department. You also gave the instructions in relation to providing the means of land transportation, and the officers charged with that duty were under your immediate control; and, if there

is blame any where for any deficiency in this respect, it cannot be imputed to the War Department. Your whole correspondence with me, and the staff officers with you, shows that you very properly took upon yourself the whole charge of giving directions in this matter. In a letter to Captain Patten, senior quartermaster at the Brazos, speaking on the subject of the land transportation which may be needed after the descent on the enemy's coast, near Vera Cruz, you say: "I have already discussed and arranged with you the detail of the *early* land transportation train," &c. On the 19th of March you furnished General Jesup with your estimates and directions on this subject. The staff officers being with you, and under your orders, nothing further was, or properly could be, required or expected to emanate from Washington beyond the supply of funds; and this being done, if you were disappointed in not realizing your expectations, you have not a colorable pretence for imputing blame to "the head of the War Department."

As a ground of complaint, and a matter of accusation, you refer to your deficiency of means to make the descent, and to capture the city of Vera Cruz and the castle of San Juan d' Ullos, and assume that the extent of that deficiency was the difference between what you received and what you required. It would be quite as correct reasoning to say that what you had having proved sufficient for the purpose, the difference showed the extent of the errors in your estimates. The truth lies, perhaps, between the two extremes. You had less, probably, than you should have had, and you required much more than was necessary. That you did not have more, and, indeed, all you asked for, I have already shown, was not the fault of the War Department.

General Jesup was with you at Vera Cruz, saw your means, and is capable of forming an estimate of their sufficiency. He is, as his letter herewith shows, disposed to be just, and even generous to your fame. To his opinion on the subject, no well-founded exception can be taken. He says, in reference to your complaints on account of a deficient supply of surf boats, siege train, and ordnance stores, "the result shows that he [General Scott] had surf boats and stores enough;" and of the delay of which you complain, he fully exonerates the War Department, and ascribes the whole to yourself and to unavoidable accidents.

The imputation that you were *designedly* crippled in your means, is a charge as preposterous as it is unfounded.

I am aware that the execution of some of the many arrangements for the Vera Cruz expedition was obstructed and delayed by accidents; but they were such as human sagacity could not foresee, or human agency control. They were not, however, more than a considerate mind, bringing into view all the vast difficulties of the case, would have expected. When your complaints on this subject were first received here, evincing,

as they did, that you intended to hold the department responsible for every untoward event, the heads of the several bureaus were called on by me to show how they had executed the duties which had been confided to them, particularly in regard to matters referred to by you. The evidence they presented of having done all that was required, or could have been expected, convinced me, and I venture to say that, on a full examination, it will satisfy any mind open to conviction, that all your complaints, so far as they imputed blame to the War Department, or any of its branches, are unfounded. It will do much more—it will show that great industry, promptness, uncommon capacity, and extraordinary exertions, in relation to every thing connected with the war, have characterized the action of each of these subordinate departments. As a commendation justly merited by these several branches of the department, assailed, as they are, indirectly by you, I see no good reason for withholding my opinion, that an instance cannot be found where so much has been done, and well done, in so short a time, by any similar body of officers, under similar circumstances.

As you have, by implication, laid a heavy hand upon the bureau which is charged with the onerous duties of executing the laws and orders for raising and sending forward the recruits and levies, I feel bound to affirm that you have done to that branch of the public service the greatest injustice. No industry has been spared, no possible effort omitted to raise the forces which were authorized, and to send them to their destination within the briefest practicable period. The numerous orders issued from the adjutant's general's office, and its voluminous correspondence on that subject, will sustain this assertion.

You have pressed with unwonted zeal the charge in relation to diverting the detachments of the new regiments under General Cadwalader's command to the Brazos, and have indulged in the wildest speculations as to the sad consequences which attended this imputed error. Assuming that my orders diverted these troops, or any others, (an assertion which I shall controvert hereafter,) the circumstances justified the measure. The critical condition of General Taylor, according to all accounts received here at that time, is stated in my letter to you of the 22d of March. To show that the department acted properly, though it incurred your reproof, it is necessary to recall the facts as they then appeared here. They are presented in the following extract from that letter:

"The information which has just reached us, in the shape of rumors, as to the situation of General Taylor and the forces under his command, has excited the most painful apprehensions for their safety. It is almost certain that Santa Anna has precipitated the large army he had collected at San Luis de Potosi upon General Taylor, and it may be that the general has not been able to maintain the advanced position he had seen fit to take at Agua Nueva, but has been obliged to fall back on Monterey. It is

equally certain that a Mexican force has been interposed between Monterey and the Rio Grande, and that it has interrupted the line of communication between the two places, and seized large supplies which were on the way to General Taylor's army.

"If the hostile force between the Rio Grande and General Taylor's army is as large as reports represent it, our troops now on that river may not be able to re-establish the line, nor will it, perhaps, be possible to place a force there sufficient for the purpose, in time to prevent disastrous consequences to our army, unless aid can be afforded from the troops under your immediate command.

"From one to two thousand of the new recruits for the ten regiments, from this quarter, will be on the way to the Brazos, in the course of three or four days. All the other forces will be directed to that point, and every effort made to relieve General Taylor from his critical situation. You will have been fully apprised, before this can reach you, of the condition of things in the valley of the Rio Grande, and at the head-quarters of General Taylor, and have taken, I trust, such measures as the importance of the subject requires. I need not urge upon you the fatal consequences which would result from any serious disaster which might befall the army under General Taylor, nor do I doubt that you will do what is in your power to avert such a calamity."

The course pursued by the War Department on that occasion, which you convert into a charge, must, on revision, I think, commend itself to general approbation. Had it been indifferent to the alarming condition of General Taylor's army, and forborne to use, at the earliest moment, the most energetic measures to guard against the fatal consequences of its defeat, then too probable, it would have deserved an arraignment as severe as that which you have made against it, for having done its duty in that critical emergency. When you first received the reasons assigned for the course adopted here, they appear to have been satisfactory. In your dispatch of the 28th of April, you say: "Yesterday I learned by your letter of the 22d, and the adjutant general's of the 26th ultimo, that all the recruits of the regiments, some 3,000, raised, or likely to be raised in time for this army, have been ordered to the Rio Grande." You did not then intimate the slightest dissatisfaction, not even a premonitory symptom of that deep distress with which, instantly on Mr. Trist's arrival in Mexico, you represent yourself to have been seized. It is a coincidence, not unworthy of notice, that the letter containing your first condemnatory remark on this subject, was written on the day of the date of Mr. Trist's first note to you, and only the day before your captious reply to it, and in which you assail the War Department. Your withering disappointment seems to have slumbered for ten days, and then to have been aroused by the appearance of Mr. Trist in Mexico, and your quarrel with him. If

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the order from the War Department had in fact "diverted" the forces with General Cadwalader, still it was fully justified by the threatening aspect of affairs on the Rio Grande; but I am quite sure that it did not divert them. No previous order from the department had designated any other place of rendezvous than the Brazos, for the troops that were to join your column. It was well understood, before you left Washington, that all the troops for both armies were to be sent to that place, and there to fall under your command. This arrangement was not, nor was it expected that it would be, here changed, until you had penetrated so far into the enemy's country as to render your communication with that place of general rendezvous difficult and dilatory.

You also complain that the order was not countermanded. If there had been such an order, and it had been countermanded, what would have been the consequences? The troops would have gone forward from the United States, under the former orders of the department, which would have taken them to the same place.

You allege that "the news of the victory of Buena Vista reached Washington in time to countermand Cadwalader's orders for the Rio Grande, before his departure from New-Orleans." I notice this specification of neglect of duty, to show the extent to which you have carried your fault-finding, and the industry with which you have searched for occasions to indulge it.

Your assumption is, that the news of the victory of Buena Vista should have satisfied the War Department that Cadwalader's forces were not needed on the Rio Grande, and the omission to countermand, as soon as that news was received, the orders to send them there, was a neglect deserving severe animadversion. How did you act under similar circumstances? With better means of information as to the actual condition of the Rio Grande frontier after the victory of Buena Vista, you did not deem it prudent, after being forty-one days in possession of the news of that victory, to issue positive orders to remove a single man from that frontier; yet, you venture to censure me for not having sent the troops away the moment the news reached Washington.

You received information of that victory on or before the 14th of March, for on that day you proclaimed it in orders to your army. On the 25th of April, more than forty days thereafter, you issued an order to the commanding officer at the Brazos, to embark for Vera Cruz "such detachments of the new regiments as may have been ordered by the War Department to Point Isabel; but you made it conditional, with reference to the safety of the line of the Rio Grande, and said to that officer that you relied upon his "sound judgment to determine on the spot, whether the line would not be too much exposed by the withdrawal of the troops in question." Thus it appears that you do not hesitate to impute neglect of

duty to me, for not having adopted and acted on the conclusion that the line of the Rio Grande was safe the moment I heard of the victory of Buena Vista; but, when acting on the same subject, you dared not adopt that conclusion, although you had been in possession of the same information forty-one days. Your own conduct in this matter completely refutes this charge of yours against the War Department; it does more, it shows how rash and inconsiderate you have been in selecting topics for attack.

But the most serious consequences are attributed to the long delay of these troops at the Brazos. For your sake, I sincerely hope these consequences are much exaggerated, because I am quite confident it will be shown that you alone are responsible for the delay. The War Department did not—and it was proper that it should not—issue any order in regard to the movement of the troops after their arrival in Mexico. The order from the department, of the 30th of April, making a division of the new levies between the two columns, does not contradict this assertion, for these levies were then mostly within the United States; only portions of them had then reached Mexico. Until this order took effect, the troops at the Brazos, and, indeed, on the Rio Grande and with General Taylor, were under your entire and unrestricted command. As to this matter you were under no misapprehension, for, on the 25th of April, and before you were informed what had been done here to secure the Rio Grande line, you issued an order in relation to the troops at the Brazos. This place, you well knew, was the general rendezvous of the new levies from the United States; and before you sailed on your expedition to Vera Cruz, you were notified that the Mexican army were advancing upon General Taylor. To have assumed that you had not left at the Brazos, with a view to meet any probable contingency, orders for the proper disposition of the troops which were or might be sent there, would have implied an opinion that you wanted suitable qualifications for the high station which had been assigned to you. These troops were a part of your command, and subject to your orders; and if they remained one day at the Brazos after it was there known that they were not needed on the Rio Grande line, and would be serviceable with your column, the fault was entirely your own, and in no wise imputable to the War Department. If your opinion be not extravagant, and you say it is not, that, but for the diversion of General Cadwalader's forces from you, and the "much precious time" lost at the Brazos, you "might easily have taken this city (Mexico) in the month of June, and at one-fifth of the loss sustained in August and September," you have, indeed, a most fearful account to settle with your country.

I cannot, however, but regard your speculative opinions on this subject fanciful and wild. You greatly over-estimate the forces which landed at the Brazos, and subsequently joined you. From the best calculations which can be made from data in the adjutant general's office, the num-

ber was much less than you imagine, and did not probably exceed one thousand. As the refutation of your charge against the department for diverting these troops is in no wise impaired by their number, be it more or less, it is not important to inquire into that matter; but there is a question of serious import, which I think the country will expect you to answer. If these new levies, which had just entered the service, would have enabled you to capture the city of Mexico in June, with a comparatively small loss, why did you at the very time you discovered that they were so much needed, and would have been so useful, send away from your army three times as many volunteers, who had been many months in service, and were, as you acknowledge, "respectable in discipline and efficiency," and who had distinguished themselves at Vera Cruz and Cerro Gordo, and in the hour of peril had fought by the side of your veteran troops, and merited an honorable share in the glory of those memorable conflicts?

The period of their engagement had not expired. When thus sent away but one of the seven regiments had less than thirty, and most of them had more than forty-five days to serve. According to your own opinion, concurred in by the department, they could have been legally retained on your line of operations till the last hour of their engagement. If not deemed expedient to take them on towards Mexico with you, their services at that critical period would have been of inestimable value in holding the post at Jalapa, so important and so unexpectedly abandoned, and in keeping open the communication between Vera Cruz and your headquarters, whereby supplies, munitions, and recruits could be safely and expeditiously forwarded to you. Had this been done you would have been spared the trouble of inditing many items of grievance and complaint against the War Department, for having failed to furnish them. If you had retained the twelve months' volunteers until the end of their agreement—and no sufficient reason has yet been shown for their premature discharge—you might, for a season at least, have received, without much obstruction, supplies from the main depôt on the Gulf; the army might have been strengthened by reinforcements at an earlier period, and many of the revolting scenes of barbarity on the road from Vera Cruz to Jalapa, in which so many lives of our fellow-citizens have been sacrificed by the ruthless guerrilleros, would not have occurred.

Another and still more lamentable calamity is, I think, fairly to be ascribed to the early obstruction of this important line of communication. The brave and patriotic men who were hurried on to Mexico in small detachments, in order to reinforce your army, were unexpectedly but necessarily detained at Vera Cruz until the numbers there collected were sufficient to force their way through the strong guerrilla bands which held the difficult passes on the Jalapa road. While thus detained on that inhospitable coast in the sickly season, they were exposed to the attacks of a wasting

pestilence, more formidable and, as it unfortunately proved, more destructive than the Mexican army.

When the unwelcome news of the premature discharge of this large body of volunteers was received here, unaccompanied by any explanation to show the necessity of the act, it excited very general surprise and regret; its consequences were at once foreseen, but the step had been taken and could not be retraced. It was loudly condemned. Many did not believe that a measure which appeared to be so unwise and so injurious to the operations of the army could have emanated from yourself, but they were less charitable towards the President and Secretary of War. Both were denounced for what you had done; they were unscrupulously charged with weakness and incapacity; with being actuated by hostility to you, and a desire to secure popularity with the volunteers, nor were these bitter assaults intermitted until it began to be suspected that they were misdirected.

If you really regarded, on the 6th of May, the augmentation of your forces as being of such vital importance, it is almost as difficult to account for the course taken to re-engage the volunteers, as for their premature discharge. I am misled by information on which I ought to rely, if many of these volunteers would not have continued in service if proper measures had been taken at Jalapa, while they were indulging the hope of participating in further triumphs, and of being among those who would enjoy the enviable distinction of first entering, as victors, the proud capital of the Mexican republic. Though the subject was there presented to their consideration, no vigorous efforts seem to have been made, no attempt to form new companies, or to muster them into service, until this powerful inducement was weakened or withdrawn; until they had been detached from a victorious army, as if no longer deemed worthy to be a part of it; sent sixty miles towards their homes, into a pestilential region, and there brought within the sympathetic influence of the sentiments which, it was natural that many should feel and manifest, at the moment of embarking, to return to their families and friends. Considering the manner in which the President's order on that subject was attempted to be executed, it is not strange that among more than three thousand patriotic volunteers sent away by your order of the 4th of May, only about "fifty individuals" were found willing to re-engage.

You seem to have suddenly conceived the notion of converting the army, "like Cortez," "*into a self-sustaining machine*," and to make the resemblance between yourself and the Spanish hero more complete, you indulged a dream of fancy, until you seem to have adopted it as a matter of belief, that you were "doomed at Washington," and you became, "like him, always afraid that the next ship or messenger might recall or further cripple" you.

It should not be forgotten that the design of this unaccountable military movement was *first* communicated to Mr. Trist, before you had given any intimation of it to your government, and while under the perturbation of mind which his unwelcome presence in Mexico had produced. Had you confided this extraordinary plan of a campaign to him, after the "happy change" in your relations; after you had digested his "farrago of insolence, conceit, and arrogance;" and, after he too, mistaking notoriety for fame, had sought to win it by disobeying the orders of his government, defying its authority, and assailing its conduct, this distinguishing mark of your confidence in him would have caused much less surprise. This novel conception, so suddenly adopted, was as suddenly carried out—your army was indeed converted "into a self-sustaining machine"—you discharged the twelve months' volunteers, and broke up your post at Jalapa, and on the way to your main depôt; "resolved," as you announced, "no longer to depend on Vera Cruz or home;" you put yourself beyond the reach of the supplies which had been provided by the government, and rendered yourself, in a great measure, inaccessible to the recruits and levies (except in strong parties) which had been raised to augment your command. In this way you rendered unavailing, for a time at least, all that had been or could be done by the assiduous and incessant labors of the War Department in all its branches, and then you recklessly put forth the groundless complaint of "a total want of support and sympathy" from it.

Your letter of the 25th of July, which was not received at Washington until the 30th of December last, abounds with complaints against the department, and refers in strong terms to the wants and sufferings of the army at that time. Before you venture to make its then destitute condition a ground of charge against the War Department, you ought to have recollected that the afflictions fell upon it in the midst of your experiment of making it "a self-sustaining machine," and were the legitimate fruits of that experiment. These sufferings came upon it before your estimated period of isolation from "Vera Cruz and home" had half expired. When you had designedly and unnecessarily abandoned both, and entered upon your self-sustaining position, "cut off from all supplies and reinforcements from home, until perhaps late in November," by what pretence of justice do you complain of the War Department for the distresses you thus voluntarily inflicted upon yourself and the gallant army under your command? Something very different from censure and reproof is due for the extraordinary efforts which were successfully made to reach you with recruits and supplies in your sequestered situation, and to rescue you from the embarrassments in which your ill-judged measure had involved you. I have brought into view this unaccountable movement of yours, with no purpose to make any comment upon it as a military measure, but solely to show that the evils resulting from it are not just grounds of accusation against

the War Department, and that the labored attempt to pervert them to such a purpose, discloses the manner and spirit with which you have executed the assumed task of its accuser.

As you have indulged in the wildest range of speculation in regard to the alleged sinister motives and covert designs of others, I feel less reluctant to present my views as to the main object of your last communication. Throughout the whole of it, and particularly in the concluding part, you manifest the utmost solicitude to place yourself in the position of an injured and persecuted man. With all the aid you can derive from dextrous strategy, you will be likely to fail in your attempt, unless you can have the full benefit of your high coloring of some facts, and your forgetfulness of others, together with all your fanciful conjectures and surmises. Your recall is, you assert, the long suspended "blow of power" which you had the sagacity clearly to predict. It is somewhat remarkable that your predictions preceded the events which you imagine provoked that blow. As early as the 25th of July—soon after "the happy change in my [your] relations, both official and private, with Mr. Trist"—you looked, you say, "to be dismissed from the service of my [your] country." If your recall can be regarded as a dismissal, you are entitled to all the credit of the fulfilment of your own early prediction.

In presenting in its true light the President's compliance with your own request to be recalled, which you now denominate your dismissal, I may be obliged to strip it of the embellishments you have ingeniously thrown around it, though, in doing this, you may be deprived of much upon which you depend to sustain your claim to be considered as a persecuted man.

As early as June you begged to be recalled. You allege that this application was "rebukingly declined." This is not saying the exact thing. The reply to your request was, "that it would be decided with exclusive reference to the public good. When that shall render it proper in his (the President's) opinion to withdraw you from your present command, his determination to do so will be made known to you." This was not a denial, but a suspension of present action, accompanied with an assurance of future action on the subject. Your request was still pending; a regard to the public good then stood in the way of the immediate gratification of your wishes, but the President promised to act definitely on the question when that obstacle should be removed. Judging from the state of things at the head-quarters of the army, in January, he concluded that it was removed, and that he ought no longer to require of you reluctant service as commanding general. This, certainly, cannot be called persecution, or punishment. I do not deem it proper to comment on the state of things at the head-quarters of the army, to which allusion is made in the letter granting your request, nor to express an opinion as to the share of respon-

sibility therefor which rests upon yourself or others; that matter is to a considerable extent involved in the investigations before the court of inquiry now sitting in Mexico. Your request to be recalled, thus ultimately granted, was prefaced with imaginary complaints which could not be passed without notice, nor noticed, without exposing their groundlessness. If the exposition has given offence, you can blame only yourself for introducing complaints so entirely unfounded.

The crowning outrage, as you regard it, is the simple fact that you and "the three arrested officers" are all to be placed together before the same court; "the innocent and the guilty, the accuser and the accused, the judge and his prisoners, are all dealt with alike." "Most impartial justice!" you exclaim. And why is it not impartial justice? On what ground of right can you claim to have your case discriminated from theirs? It is true you have assumed to be their judge, and have pronounced them guilty; and complain and repine that the laws of the country do not allow you, their accuser, to institute a court to register your decree. But you are not their rightful judge, although they *were* your prisoners. Before that court you all stand on the same level, and all have equal rights. Though you may have the self-satisfying conviction that you are innocent and they are guilty, the government could act upon no such presumption. By becoming an accuser you did not place yourself beyond the reach of being accused; and unless you are clothed with the immunity of despotic power, and can claim the benefit of the maxim "that the king can do no wrong," I know not why your conduct, when made the subject of charges may not be investigated by a court of inquiry, nor can I perceive by what other, or better, right you have to complain, and arraign the government, than the other officers whom you have accused, and whose cases, with yours were referred to the same court. If yours is a hard case, theirs is not less so; if you can rightfully complain of persecution by the government, so can they, with equal justice, and an equal claim to public sympathy.

The charges against you did not emanate from the government, nor did they relate to a matter in which it could feel any peculiar interest. Not believing it impossible for you to do wrong, or that you were exempt from all responsibility, for whatever you might have done, the government deemed it proper, when charges were preferred against you, coming from a source entitled to respect, to cause them to be investigated. As the usual and mildest mode of proceeding, they were referred to a court of inquiry. Until you can show that you enjoy the transcendental privilege to have your official conduct exempt from all examination, in any form whatever, you have no cause to complain of the course taken in regard to the charges against you.

If your extraordinary pretensions are to derive any support from your

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distinguished services in the field, you ought to be mindful that the three accused officers, put under arrest by you, have like claims for distinguished services. On the pages of impartial history their names, and their gallant deeds, must appear with yours, and no monopolizing claims, seeking "malignant exclusions," at the expense of the "truth of history," will be permitted to rob them of their fair share of the glory won by our gallant army while under your command.

With your assault upon the character of your "erratic brother" I shall not intermeddle, but I must repel your charge that he has been favored for being a political "deserter" to "*the true faith*," for signalizing his "apostasy, by acceptable denunciations of one" to whom he had formerly "professed (and not without cause) the highest obligations." The reasons for not sending your charges against Brevet Major General Worth to the court of inquiry, are set forth in my letter of the 13th of January. I regret that they are so entirely unsatisfactory to you, but am consoled with the assurance that they are in other quarters more favorably received. The errors of your commentary on my letter have arisen from your misapprehension of the text. The principle there laid down is of vital importance to subordinate officers, and in no respect impairs the rights or the authority of those in chief command. As the principles which you arraign are the creations of your own fancy, and have no countenance or support from my letter, I am in no way implicated by the "fatal consequences" you deduce from them. Whether legitimate or fanciful, they do not disturb the positions laid down in my letter.

I cannot, however, but regard your solicitude for the support of discipline to be more ostentatious than profound. When a general at the head of an army of freemen, who do not lose their rights as citizens by becoming soldiers, sets up pretensions to dictatorial power—when he contemns the authority of his government, and is much more ready to censure than to execute its orders and instructions—when he denounces as an outrage and a punishment the attempt to submit his acts, charged to be an offence against a subordinate officer, to an investigation in the mildest form—when he administers an indignant reproof to his superior for upholding the sacred right of appeal, upon which depend the security and protection of all under his command—such a general sets an example of insubordinate conduct of wide and withering influence upon sound military discipline.

By extending my comments upon your letter, I might multiply proofs to show that your accusations against the head of the War Department are unjust; that your complaints are unfounded; that the designs imputed by you to the government to embarrass your operations, impair your rightful authority as commander, and to offer outrage and insult to your feelings, are all the mere creations of a distempered fancy; but to do more than I have done would, in my judgment, be a work of supererogation.

In conclusion, I may be permitted to say that, as one of the President's advisers, I had a *full share* in the responsibility of the act which assigned you to the command of our armies in Mexico. I felt interested even more than naturally appertained to my official position, that success and glory should signalize your operations. It was my duty to bring to your aid the efficient co-operation of the War Department. I never had a feeling that did not harmonize with a full and fair discharge of this duty. *I know it has been faithfully performed.* There are some men for whom enough cannot be done to make them grateful, or even just, unless acts of subserviency and personal devotedness are superadded. From you I expected bare justice, but have been disappointed. I have found you my accuser. In my vindication I have endeavored to maintain a defensive line, and if I have gone beyond it at any time, it has been done to repel unprovoked aggression. To your fame I have endeavored to be just. I have been gratified with the many occasions I have had to bear public testimony to your abilities and signal services as a military commander in the field. It has been, and, under any change in our personal relations, it will continue to be, my purpose to be liberal in my appreciation of your distinguished military merits. In respect to your errors and your faults, though I could not be blind, I regret that you have not permitted me to be silent.

I have the honor to be, very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

To Major General WINFIELD SCOTT,
U. S. Army, Mexico.

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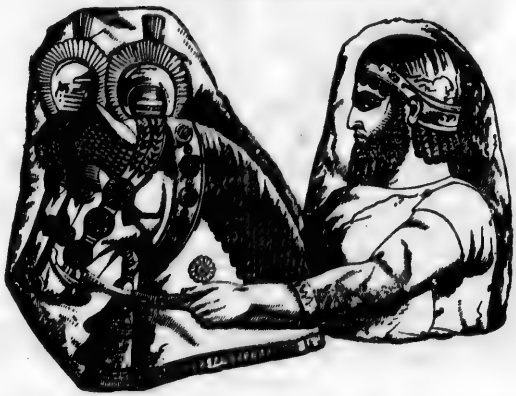

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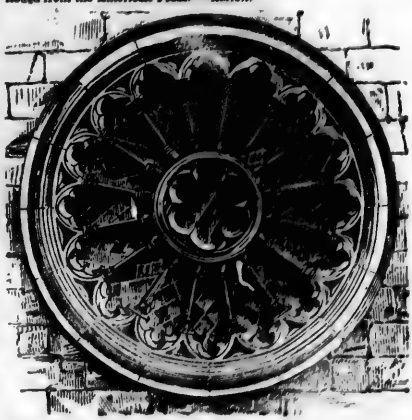

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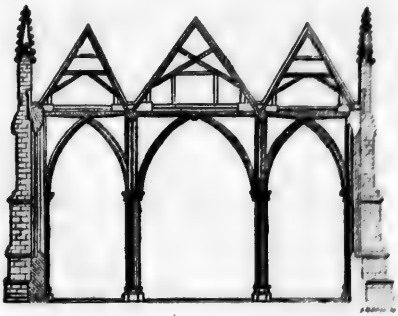

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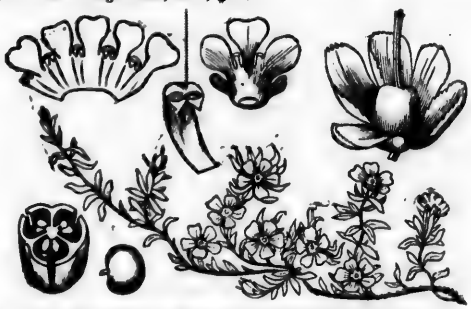

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